DEPARTMENT OF STATE
FEB 18 1886
RECEIVED

Mail & Express
88416
754 B.

No. —

United States Legation,
Tokei, Japan, January 6th 1886.

Mr. Goward.
a
To the Secretary of State

Subject.

Salary accounts for the quarter ending December 31st 1885.

No. ~ United States Legation

Tokei, Japan, January 6th 1886.

Hon. Thomas F. Bayard,

Secretary of State

Washington, D. C.

Sir:

I have the honor to enclose herewith my account for salary for the quarter ending December 31st 1885.

I have the honor to be,

Sir,

Your obedient servant.

Gustavus Gouard

Secretary of Legation.

Enclosure.

Salary account above mentioned.

W Rec'd

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED

No. 91.

United States Legation.

Tokio, Japan, January 8th 1886.

Mr. Hubbard.

To the Secretary of State.

Subject.

Accounts for the quarter ending December 31st 1885.

J.M.

No. 91 United States Legation.

Tokio, Japan, January 8th 1886.

Hon. Thomas F. Bayard

Secretary of State.

Washington, D. C.

Sir:

I have the honor to enclose herewith my salary account for the quarter ending December 31st 1885; and also my account for Contingent Expenses for said quarter, including the quarterly passport account to be referred to in my No. 92.

I have the honor to be.

Sir.

Your obedient servant.

Richard A. Hubbard

Enclosures.

Accounts above mentioned.

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED.

No. 92.

United States Legation.
Tokio. Japan. January 8th 1886.

Mr. Hubbard.
To the Secretary of State.

Subject.
Passport account for the quarter ending December. 31st 1885.

No. 92. United States Legation

Tokio Japan. January 8th 1886.

Hon. Thomas F. Bayard,

Secretary of State.

Washington. D. C.

Sir:

I have the honor to report that only one passport has been issued for the quarter ending December 31st 1885, namely to Adolph Andreae; a naturalized American citizen.

The evidence upon which the said passport was granted I have the honor to transmit herewith, as follows:-

Sworn affidavit of Adolph Andreae made at Wladiwostock, October 12th 1885.

Passport issued by H. Sidney Everett

Everett, Esqr. Chargé d'Affaires of the United States at Berlin, dated Sept 17th 1883, and numbered 954.

The passport issued from this Legation is dated Nov. 13th 1885. and by an oversight numbered 39. In the accounts the number is entered as No. 1 as shown in the Contingent Expense account for the Quarter, where the fee under instructions is accounted for.

I have the honor to be.

Sir.

Your obedient servant.

Richard B. Hubbard

Enclosures.

Affidavit and expired passport above mentioned.

To be returned with application for new passport to U.S. Legation Tokio

LEGATION
of the
United States of America,
to the
GERMAN EMPIRE.

19/657
2/4.84

To all to whom these Presents shall come, Greeting.

No. 954

Description

Age 38 Years. 39 bgnn 1884
Stature 6 Feet, Inches Eng.
Forehead high
Eyes brown
Nose aquiline
Mouth small
Chin broad
Hair light brown
Complexion healthy
Face long

Signature of the Bearer.

A. Andreae

I, the undersigned Chargé d'affaires ad interim of the United States of America hereby request all whom it may concern, to permit safely & freely to pass,

Adolph Andreae

a Citizen of the United States and in case of need to give him all lawful Aid and Protection.

Given under my hand & the impression of the Seal of the Legation of the United States at the City of Berlin the 17th day of September 1883. and the 108 Year of the Independence of these United States.

A. Sidney Everett

To be signed and Sworn to & returned to U.S. Legation Yokohama

I Adolph Andreae being duly sworn declare that I am a naturalized citizen of the United States, by papers of Naturalization issued by the Superior Court of the City of New York, dated 17th September 1879; that my birth-place is St. Petersburg. that my present residence is Wladiwastock Eastern Siberia, and that my age is 40 years.

I further solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof: that I have voluntarily given no aid, countenance, counsel or encouragement to persons engaged in armed hostility thereto: that I have neither sought nor accepted nor attempted exercise the functions

functions of any office whatever under any authority or pretended authority in hostility to the United States: that I have not yielded a voluntary support to any pretended government, authority, power or insurrection within the United States hostile or inimical thereto. And I do further swear that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same, and that I take this obligation freely without any mental reservation or purpose of evasion: so help me God

Sworn to and subscribed before me at Vladivostock the 12th day of October 1865.

Pastor A. Rumpeter

Witness to Signature [illegible] Teacher

Witness to Signature Peter Schmidt Citizen of United States of America

SIEGE Officier

of English at Vladivostok Gymnasium.

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED.

Mr Everett
19

To be sent for signature
Service Russian Circular
Feby 20 86
Circular

No. 93

United States Legation,

Tokio, Japan, January 9th 1886.

Mr. Hubbard,

To the Secretary of State.

Subject.

Daily weather reports for November and December 1885; and also Reports of Meteorological Observations in Tokio for the calendar year 1883.

No. 93. United States Legation

Tokio, Japan, January 9th 1886

Hon. Thomas F. Bayard.

Secretary of State,

Washington. D. C.

Sir:

1/ I have the honor to transmit herewith for the use and information of the Signal Service Bureau of our Government the daily weather reports of the Imperial Meteorological Observatory of Tokio, for the months of November and December, 1885; and also the Monthly Reports of the "Meteorological Observations in the "Empire of Japan" for the calendar 2/12 year 1883, published by the Imperial Observatory, Tokio, and just received at this Legation.

I

I have the honor to be,

Sir;

Your obedient servant.

Richard B Hubbard

Enclosures

Reports above mentioned under separate cover.

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED

Mrs Everett
19

No. 94. Via January 30th
mail 3 Etc

United States Legation

Tokio, Japan, January 4 1886.

Mr. Hubbard,

To the Secretary of State

Subject.

Return for October 1885 of the Foreign Trade of the Empire of Japan.

Enclosures filed in Bag S.

7.

No. 94. United States Legation

Tokio Japan January 10th 1886.

Hon. Thomas F. Bayard

Secretary of State,

Washington D. C.

Sir:

I have the honor to transmit for your information and that of the Honorable Secretary of the Treasury, the official return for the month of October last of the "Foreign Trade of the Empire of Japan" from which it appears (table I. page 1) that the total value of commodities exported within said month was yen 2,823.914.44 and the value of the imports thereof for the month was yen 2,059,412.76, showing that the exports exceeded imports in value to the amount of yen 764.501.68.

It

It will also appear (pages 6 & 7) that the value of specie and bullion exported during the same period was gold 39,286 yen against an import of 86,572 yen, and for silver an export of 802,970 yen against an import of 968,331 yen.

I have the honor to be,

Sir,

Your obedient servant,

Richard B. Hubbard

Enclosure.

Under separate cover "Return for October 1883 of the Foreign Trade of the Empire of Japan."

3RD ASSISTANT SECRETARY
Ack by No. & file.
FEB 19 1886

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED.

W. Rec'd

No. 95.

United States Legation.

Tokio, Japan, January 14th 1886.

Mr. Hubbard,

To the Secretary of State.

Subject.

Treaty Revision. Interview with the British Minister.

No. 35. United States Legation,

Tokio, Japan. January 14th 1886.

Hon. Thomas F. Bayard,

Secretary of State

Washington, D. C.

Sir:

Referring to your instruction No. 32, which I have now the honor to acknowledge, your suggestion that the postponement of the Treaty Conference might be utilized by familiarizing myself with all the points elaborated in your instruction no. 24 on that subject, will be faithfully observed. There is scarcely any doubt of the assembling of this conference at Tokio, in the Spring months of the present year.

In this connection I desire to call your

your attention to a leading article of the "Japan Daily Gazette" (a British Journal) herewith enclosed. The quotation from the "Pall Mall Gazette," I am informed by the British Minister here is a fair reflection of the majority of the English press, in the recent discussions of the proposed Treaty Conference at Tokio. The British Minister has not heretofore as I had the honor to state in my Despatch No 23 been willing in a revision of the present Treaties to the entire abolition of the "most favored-nation" clause in said Treaties, on the ground that his Government would most likely suffer unduly and more disproportionately than any other

of

of the Treaty Powers, from possible and probable "Reciprocity Conventions," similar, as he instances, to the special Convention between the United States and Hawaii &c. And it has even been thrown out as a taunt (I think unjustly in this case) that England was holding out the civic "Olive Branch" to Japan from the outer wall; but was in reality pushing Holland, Denmark, Spain & Peru &c. in opposition to Revision, to enable the Minister for his Government to say, "We favored Revision, but were hampered by the other Powers" named &c. I am not of this belief. At the same time, I think that the present Government of

Great

Great Britain, would be willing to concede at once complete National or (especially) Tariff Autonomy? I do believe, however, that on the conditions or others approaching the features therein as indicated in the Memorandum "34", which accompanied my first despatch on the subject to your Department, the British Minister and His Government will concede all that is desired by Japan? That Diplomat in an unofficial visit to the United States Legation (on) yesterday, took occasion to say to me that in about ten days he very much desired to call on me for a "full, free and confidential conference on the Revision questions".

That

That while, in some sense, England and the United States were friendly and honorable rivals and competitors for the world's trade; yet they were more deeply interested in each others Trade than with any or all other nations and that he hoped we would be able to meet, in the consideration of these Treaty Revision questions in that spirit of good neighborhood and friendship and justice to weaker Powers, which should characterize the action of the two greatest Nations of the Earth.?

Of course to meet such generous and cordial proffer of cooperation, I could only say to him, that the

history

history and all the traditions of our national life indicated the conduct of the United States under such circumstances. That my Government would regard it fortunate for Japan, and a subject of congratulation that the two great English-speaking nations should unite, in an unselfish endeavor to hold up the cause of the equality of all nations, whose rulers and people give evidence of the will and the capacity of independent self Government.

I have the honor to be, Sir,

Your obedient servant

Richard B. Hubbard

Enclosure – Extract from the Japan Gazette dated January 12th 1886.

Enclosure with Mr. Hubbard's No. 95.

The Japan Gazette.

YOKOHAMA, JANUARY 12TH, 1886.

DAILY NOTES.

Japan is acquiring diplomatic experience in a hard school. A short time ago a writer in these columns complained that the difficulty in revising the Japanese treaties was due to the impossibility of framing such treaties as would satisfy nineteen different Powers. The Japanese appear to have attempted the task, for their Minister is in Madrid with the object of bringing Spain to reason. The spectacle of an interesting and self-respecting people going from one capital to another to beg for their rights is one that deserves sympathy; but it deserves more from us. England it was which forged the chain twenty-five years ago that now retards and harasses Japan, and it was England also that kept on the fetters until two or, three years ago, long after the United States had agreed to relieve the Japanese. It would be not only graceful and just, but also politic (for our real participation in the trade of Japan depends on it), to do what Germany, Russia, and the United States are willing to do—namely, make our own arrangements with Japan, as we do with every other country, and thereby break up the diplomatic ring which has been an incubus on all Japanese effort for fifteen years past. We should not wait, nor should we ask the Japanese to wait, until they have satisfied at once Spain and Denmark, Portugal and Peru. While all this is being attempted the best English, as well as Japanese, interests are waiting out in the cold. Let us make our own treaty with the Japanese, and put an end once for all to this absu d farce. Japanese goodwill should be worth something to us; Japanese trade certainly would be.

Thus the *Pall Mall Gazette*, which, unconsciously perhaps, echoes and re-echoes the sentiments of most foreign residents in this country, 95 per cent of whom consist of British, American, German, French and Dutch, the rest being absolutely nowhere. Trade is apportioned in the same manner, and it is no exaggeration to say that none of the other nations of Europe or America have any interests, diplomatic or commercial, in Japan. Russia, from the close proximity of her Asiatic territory to the northern portions of this empire may have interests of her own to protect, but they are clearly one-sided and a source of peril instead of advantage to Japan.

This being the well-understood position a feeling of disappointment is finding expression at the apathy of the only powers who have anything to say in the matter of the treaties and their revision. Great Britain, the United States, Germany, France and the Netherlands have the advantage of being represented by ministers possessing ample experience to enable them to deal decisively with the questions still supposed to be in debate; and to bring them to a conclusion. All that is necessary to attain this end is for the one power which has hitherto taken the lead in the diplomatic combination, Great Britain, to say that the incapacity or apathy of the remaining treaty powers can no longer be permitted to enterfere with the settlement of a matter which admits of no further delay.

The important fact has been dwelt upon that, were it not for the active protection virtually extended by Great Britain to all other states, very few of the minor nations would venture to dictate terms to Japan; or rather retard by their indifference and neglect the reasonable settlement so much desired by every person, Japanese or foreign, in any way acquainted with the merits of the matter. It is preposterous that a nation like Great Britain, the first in commerce and progress, the ardent advocate of colonization and industrial advancement, should, in her dealings with Japan, a coming commercial empire, permit her sense of duty and right to be held in check by the ignorance of Spain or the obstructiveness of Denmark and Portugal, to say nothing of Peru or the rest of the third rate treaty powers; "powers" surely by a stretch of courtesy, for Peru is actually included among the number.

If a canvass could be taken among the chief foreign residents in Japan there would result an overwhelming majority in support of the suggestion of the *Pall Mall*:—"Let us make our own treaty with the Japanese, and put an end once for all to this absurd farce;" for no greater absurdity can be conceived than for Great Britain, under all the circumstances with which her government are quite familiar, to go on from year to year awaiting the pleasure, or, what is infinitely more humiliating, the consent of the dozen treaty powers devoid of the slightest claim to consideration, before doing her simple duty as a high-minded nation.

The Queen's representative in Japan is fully competent to test the soundness of these opinions; and to him foreign residents in Japan look for relief from the present situation of dead-lock, than which any change would be preferable. Long experience has proved that the simplest matter of reform which depends upon the united consent of the diplomatic concert is hopeless in its inception; what, then, are the prospects of carrying into effect so large a measure of public policy as a revision of the sixteen treaties made since 1858? There is no answer to such a question; while it is permitted to remain a question, revision of the treaties is regarded as impossible of execution; and in the meantime the obstructives are the only persons who benefit, while the rights they assume, the privileges they exercise and abuse, and the utter incompetence of their judiciary to properly carry out the obligation of the treaties on their side, reflect discredit upon all the great powers whose support and countenance alone, are responsible for the situation.

Gazette—(British Inum.

file

Mr. Everett 19

Philadelphia Pa,

January 16th 1886.

Willis N. Whitney

Interpreter of Legation Tokio Japan

To the Secretary of State

Subject.

Return to post,

Philadelphia, Pa

January 16th 1886

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

Referring to your Instruction dated 22nd of September last granting me "leave of absence of sixty days with permission to visit the United States;" and to my letter to you dated Philadelphia November 19th last, wherein I had the honor to inform you of my arrival at this city, I now beg leave to state that I leave here for my post this day thanking you for granting me this leave

I have the honor to be

Sir

Sir

Your obedient Servant

Willis R. Whitney

Interpreter of Legation

Tokio Japan.

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED

19

No. 96.

One copy of Report to Treasury Dept. Feby 20. '86
One copy to Library Feby 20 '86

United States Legation,

Tokio, Japan, January 16th 1886.

Mr. Hubbard

To the Secretary of State.

Subject.

Transmitting Report of the Commissioner of the Imperial Mint.

Enclosure sent to Library.

No. 96. United States Legation

Tokio, Japan, January 16th 1886.

Hon. Thomas F. Bayard

Secretary of State,

Washington, D. C.

Sir:

I have the honor to enclose herewith for the information of the Department, and also for the information of the Honorable Director of the United States Mint, duplicate copies of the "Report of the Commissioner of the "Imperial Mint" for the year ending June 30th 1885.

I have the honor to be,

Sir,

Your obedient servant

Richard B. Hubbard

Enclosures.

Enclosures.

Duplicate copies of the Report of the Commissioner of the Imperial Mint.

Inclosure 1 in No. 97.

3RD ASSISTANT SECRETARY
Ans. draft herewith
Signed 8 March '86
MAR 6 1886

97.
No. 97

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED.

United States Legation.
Tokio Japan, Jany 21st 1886.

Mr Hubbard.
To the Secretary of State.

Subject.
Extradition of Calvin Pratt.
Editorial from "Japan Daily Mail"
of January 15th 1886.

No. 97. United States Legation.

Tokio Japan, Jany 21, 1886.

Hon. Thomas F. Bayard.

Secretary of State.

Washington D.C.

Sir.

I had the honor in my recent despatch No. 90, transmitting a copy of my reply to the request of the Consul General of the United States at Kanagawa, in relation to the extradition of Calvin Pratt &c., to call your attention to the position assumed by the British Consular authorities, which reflected, doubtless, the views of that Government at this Court.

In the same connection, and with the same object as then, of placing as full a history of this matter as possible before your Department, I herewith have the honor to invite your attention to the enclosed "Leader" of the "Japan Daily Mail" (English journal) of the 15th instant entitled "The Recent Case of Extradition".

It is a case for congratulation that the most able and influential English journal in Japan, has had the

Courage

Courage and intelligence to express its un-
-qualified dissent from the Course pursued
by the British Consul at Kanagawa (Yoko-
-hama) and its equally emphatic endorse-
ment of the action of the U.S. Government
and of Japan, in relation to this already
"Casus Celibre", involving as it does most
important questions of an international as
well as "Extra-territorial" character.

If it is deemed advisable (as I may be
permitted to hope it will be) to invite the Japanese
Government to unite in a Convention for the
Extradition of Criminals, on such terms and
conditions as it may please my Govern-
-ment to indicate to me in advance, I
shall await your instructions and
execute them when received. It is
contemplated, and desired by this
Government to provide for a general
Extradition Clause in the revised
treaties, at the proposed Conference, but
that Conference has not yet assembled,
and its action is, of Course one of the
uncertainties of the future, and subject
to indefinite delays. It has occurred

to

to me, therefore, that to avoid all trouble and indirect methods hereafter, and to make the action of our respective Governments reciprocal in such cases of Extradition, and which cannot now be Exercised by Japan towards the United States, save by Courtesy and cannot be reciprocated by the United States till such a treaty is duly ratified for these Considerations especially, I have the honor to suggest that authority may be given to the United States Minister here to conclude such an Extradition treaty with Japan, as will certainly meet the views of our Government.

I respectfully submit as my opinion that the intimation of such a desire on the part of the United States Government would be highly gratifying to the Japanese Government, and that a convention for this purpose would be characterized by a spirit of liberality and justice on the part of both Governments.

I have the honor to be

Sir,

Your

Your obedient servant,

Richard A. Hubbard

Enclosures.

"Leader" from "Japan Daily Mail"
of January 15th 1886.

Enclosure with Mr Hubbard's No 97.

YOKOHAMA, FRIDAY, JANUARY 15, 1886.

THE RECENT CASE OF EXTRADITION.

THE case of the arrest of CALVIN PRATT by the Japanese police, and his surrender, on the 6th instant, to the United States' authorities, involves a principle of much importance to this empire. The circumstances of the affair are these:—On November 20th a telegram reached the Foreign Office in Tôkyô from the Japanese Representative in Washington, transmitting an enquiry of the Secretary of State whether the Japanese Government would exercise its good offices by arresting and extraditing a certain CALVIN PRATT, who had left San Francisco by the mail steamer of November 10th. The Secretary of State added that it would afford gratification to his Government if the Japanese authorities would consent to perform this act of comity. It will be observed that this first communication took the form of an enquiry only. The Secretary of State intimated, in fact, that while the Government of the United States, could not, for obvious reasons, formally demand the return of PRATT, they would regard action conducing to that end as most friendly on the part of the Japanese Government.

We may quote here the familiar axiom of public jurists that every State is bound to deny an asylum to criminals, and, upon application and due examination of the case, to surrender the fugitive to the foreign State where the crime was committed. In the absence of a positive agreement, as an extradition treaty, between the States concerned, the only difficulty consists in distinguishing between the class of offences to which the usage of nations does, and to which it does not, apply. But no such difficulty could impede the surrender of a forger and thief, and these were the charges preferred against PRATT.

The Japanese Government accordingly expressed their willingness to take the desired action as a matter of international comity, and to pursue the same course in PRATT'S case regarding identification and so forth, as though an extradition treaty existed between the two countries. Various telegrams subsequently passed between the Foreign Office in Tôkyô, the Department of State in Washington and the California authorities, the last-named charging themselves with the performance of all necessary duties as to description of the accused, method of returning him, &c.

At this point a dilemma was created. PRATT was travelling in a steamer of the Occidental and Oriental Company; that is to say, in a British ship. It was important that his arrest should be effected before he left the ship, so as to obviate all risk of escape, and to secure also his baggage, in which a large sum of money was supposed to be secreted. Accordingly, the endorsement of the Japanese warrant by H.B.M's Consul was sought. But the latter declined to give such endorsement, unless the request of the American Government were cited in the warrant as the ground of arrest. The Japanese Authorities hesitated to make such an insertion, for reasons to which we shall refer presently, and PRATT was ultimately apprehended as he stepped on shore, a Japanese detective having previously visited the steamer and identified him from the description which the officials in California had sent.

The first examination was held on the following day (December 2nd) at Yokohama by the Public Prosecutor, Mr. ATSUMI, acting under instructions from the Minister of Justice. The only question to be determined was that of identity. The prisoner stated that his name was PHILIP S. CHETWYND, but declined to answer any other questions without legal advice, with which he desired to be furnished. Evidence was adduced to prove that he had come to Japan under the name of JOHN MORAN—the *alias* given by the California authorities—and a medal was found in his possession having on the reverse the initials "C. P." This testimony was considered quite sufficient to warrant his detention until the necessary documents and witnesses could arrive from San Francisco. Throughout the examinations, and subsequently, PRATT behaved with a great deal of shrewdness, and talked plausibly. While denying his identity, he made several attempts to "reach" persons near him, so as to contrive an escape. At the end of December, two agents of the State of California, Messrs. BATCHELDER and COFFEY, arrived in Japan. They saw the prisoner, and BATCHELDER immediately identified him. Another hearing was now held. Extradition being purely an act of State, judicial forms are not observed. The hearings are *ex parte*, and a *primâ facie* case as to the commission of the crime and the identity of the accused having been made out, the extraditing Government has no further concern with the matter, except, of course, to see that the prisoner is not tried on any charge other than that on which he was extradited. The Japanese Government followed these lines with regard to PRATT. Their law officers having been satisfied, the Minister of Justice issued a warrant reciting the facts, and directing BATCHELDER and COFFEY

10

to take charge of PRATT for conveyance to California. The accused was duly delivered over by the Japanese authorities on board the mail steamer, the morning of her departure, a receipt being taken from BATCHELDER and COFFEY.

The importance of this case lies in the fact that it is a recognition by the United States Government of their incompetence to arrest an American citizen within Japanese territory for an offence committed in the United States. That this is the only sound construction of the law and of the Treaties seems beyond question. The jurisdiction which Japan has surrendered by the Treaties cannot properly be extended to the case of aliens who may fly to her territories to escape the consequences of crimes committed elsewhere. A little reflection will make this quite plain. By the extraterritorial clauses of the Treaties, foreign Powers have acquired the privilege of establishing tribunals in Japan, and of substituting, so far as their own nationals are concerned, the jurisdiction of those tribunals for that of the Japanese Courts. They cannot possibly have acquired the privilege of exercising functions which would not be within the competence of the Japanese judiciary under any circumstances. The arrest and extradition of aliens charged with committing crimes elsewhere, are functions of this nature. They are in no sense judicial, but purely executive functions; acts of State, in fact, the performance of which is everywhere made to depend upon special international convenants. Consider, for example, the course pursued in Europe with reference to the arrest and extradition of a fugitive criminal. A British subject, let us say, commits a crime in Liverpool and escapes to France. Thereupon the local authorities in Liverpool prepare a statement of the charge against him, supported by affidavits such as would suffice to ensure his committal by an English magistrate. This documentary evidence is forwarded by the Foreign Office in London to the British Representative in Paris, who moves the French Government to order the arrest of the supposed criminal, submitting, at the same time, the documents received from London. The arrest is made, and the documents are then laid before French law officers, who advise their Government as to whether the case is of a nature to justify the proposed action. Finally, the French Government issue their warrant for the delivery of the fugitive to the British authorities. From first to last the part taken in the affair by the French Government assumes no judicial complexion whatsoever. Thus KENT, writing on this subject, properly says:—"The guilty party cannot be tried and punished by any other jurisdiction than the one whose laws have been violated, and therefore, the duty of surrendering him applies as well to the case of the subjects of the State surrendering, as to the case of subjects of the Power demanding the fugitive." The Japanese courts of justice never possessed, and could never possess, any title to exercise judicial functions in respect of aliens flying from foreign justice, and therefore the judicial authority of which the Japanese courts have been deprived by extraterritoriality cannot possibly extend to the exercise of such functions.

This brings us at once to the refusal of the British Consul to back the warrant of the Japanese Government on the ground that it did not contain a recital of the request of the American Government. If it be admitted, as we think it must be admitted, that the stipulations of the Treaties have not denationalized Japan so far as regards the right—claimed and exercised by every independent State—to prescribe the method of arresting and surrendering alien criminals who have fled to its shores, then it follows at once that the recital of the American Government's request in the warrant of arrest not only was unnecessary, but would have been a stultification. It cannot be denied that Her Majesty's Consul would have had reason for reluctance to lend official aid to the Japanese Government in arresting an American citizen upon a British ship, in the absence of satisfactory assurance that the contemplated arrest had the approval of the American authorities. But it seems to us that such assurance would have been wholly out of place in the body of a warrant which was issued on the sole authority of the Japanese Government, and for the consequences of which the Japanese Government alone could be held responsible. There were other ways of removing the British Consul's proper scruples. Of these ways the most conclusive was adopted. The American Consul-General at Yokohama himself accompanied the Japanese Public Prosecutor to the British Consulate, and joined with that official in requesting Her Majesty's Consul to back the warrant. The refusal of the latter under these circumstances is not at once comprehensible. It amounts apparently to an assumption of protective functions, as towards American citizens, which the American authorities themselves considered superfluous. One explanation, only suggests itself. In practice the British authorities have always extended the judicial authority acquired by them under the extraterritorial clause of the Treaties even to such executive acts of State as the arrest of offenders flying to Japan to escape the consequences of crimes committed elsewhere. The manner in which this authority has been

assumed

assumed is somewhat anamalous. Turning to the Orders in Council, we find it provided by Article 44 of the Order of 1885, that British Courts in China and Japan may execute any warrant of the Hongkong Supreme Court, provided the warrant is accompanied by a request for such execution in writing, under the seal of the Supreme Court of Hongkong. The framers of this Order obviously did not conceive that the authority which it vested in British Courts in China and Japan as regards the warrants of the Hongkong judiciary, had already been conferred on those Courts by treaty as regards the warrants of British tribunals throughout the whole of HER MAJESTY'S dominions. To create, by special legislation, competence to execute the warrant of one British tribunal, when such competence already existed in relation to the warrants of all British tribunals, would have been an unaccountable proceeding. We are forced to conclude that the Order of 1865 was simply an arbitrary assumption of authority in the presence of particular circumstances. It was found expedient that Hongkong warrants should run in China and Japan, and they were made to run there by an Order in Council, without any careful reference to the text or spirit of the Treaties. Matters remained thus until 1884, when an Order in Council of much more radical character was issued. Its eighth Article reads thus:—"The Fugitive Offenders Act, 1881, shall apply, in relation to British subjects, to China, Japan and Korea respectively, as if such countries were British possessions, and for the purpose of Part II. of said Act, and of this Article, China, Japan, and Korea shall be deemed to be one group of British possessions, and Her Majesty's Minister for China, Japan, or Korea (as the case may be) shall have the powers of a Governor or Supreme Court of a British possession." If the right to exercise the functions referred to in this Order was conferred by the Treaties—that is to say, if the Treaties converted China, Japan, and Korea into British possessions for the purposes we are now considering—it is difficult to see why the Order was issued at all, and, above all, why it was issued seventeen years after the Treaties came into operation. But it is not difficult to comprehend that, in the face of this Order in Council and of their own previous practice, the British authorities in Japan may have felt some reluctance to participate in a proceeding which involved the admission of a principle directly contrary to that assumed by the framers of the Order. Whether or no such a surmise be correct, it certainly seems most desirable that a clear definition of the nature and scope of extra-territorial jurisdiction should be unanimously accepted by the Treaty Powers. The present uncertain and arbitrary rendering places the British Authorities in an invidous and embarrassing position by attaching them to precedents which their better judgment must condemn, and which they certainly have no desire to adopt in a manner distasteful or unjust to Japan.

Off. of Report to Treasury Dept. Feby 2 3 86 Cir 56

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED.

Mr Bassett
19

No 98.

United States Legation.
Yokio Japan, Jany 21, 1886.

Mr Hubbard
To the Secretary of State.

Subject.

"British Consular Trade Report for Niigata" for the year 1884.

No 98.

United States Legation

Tokio Japan, Janu 21, 1886.

Hon. Thomas F. Bayard.

Secretary of State

Washington D.C.

Sir:

Referring to my No 76. of date Nov. 23, 1886. with which I had the honor to transmit three copies of the "British Consular Trade Reports for "Kanagawa, Hiogo & Osaka, Hakodate and "Nagasaki," I now have the honor to transmit herewith for your information, and that of the Honorable Secretary of the Treasury, and as an appendix to the above mentioned Reports, three copies of the British Consular Trade Report for "Niigata."

I have the honor to be

Sir.

Your obedient servant

Richard B. Hubbard

Enclosures.

Enclosure in Separate.

Three Copies, "British Consular Trade Report for Niigata."

NIIGATA, 1884.

BRITISH CONSULAR TRADE REPORT FOR NIIGATA.

British Consulate, Hakodate,
9th September, 1885.

Sir,—I have the honor to forward to you the following Returns of the Trade and Shipping at the ports of Niigata and Sado from the year 1879 to the 30th June, 1884, inclusive, which were kindly furnished to me by the local authorities when I lately visited that Port.

I.—Return of the Japanese Import trade of Niigata and Sado, from 1879 to 30th June, 1884, inclusive.

II.—Return of the Japanese Export trade of Niigata and Sado from 1879 to 30th June, 1885, inclusive.

III.—Shipping Return of the number and tonnage of vessels entered and cleared in each year from 1879 to 30th June, 1884, inclusive.

I have also been furnished with returns of the produce of the whole of Niigata Prefecture during the years 1879 to 31st December, 1883, which, as they may prove of interest, are included in this Report.

One Swedish vessel of 464 tons, and one American vessel of 1,222 tons loaded with rice for Europe during the months of July and August, 1884, taking piculs 51,724 valued at $69,744, but with these exceptions there has been no direct Foreign trade in Imports or in Exports since 1879.

Niigata as a port for foreign trade has virtually ceased to exist, all foreign goods that find their way there, being purchased by Japanese merchants in Yokohama, and sent overland, or else by sea, in the Mitsu Bishi, and other coasting steamers, according to the time of the year.

As far as one can judge from the returns of the native Imports and Exports, Trade has neither increased nor decreased at Niigata during the period under review.

The town of Naoetsu having been selected as the starting point of the new railway to Uyeda will not in the opinion of most persons seriously affect the traffic of Niigata, for there is a range of hills running inland, between Naoetsu and Kashiwasaki which would form a natural barrier against the land transport of merchandise from the Niigata valley (which has ample facilities of water carriage up and down the Shinanogawa and its tributaries) and should the produce ultimately be taken by sea to Naoetsu, it would still pass through Niigata. Again, the Naoetsu railroad would have to compete with the established lines of steamers, which call not only at Niigata, but at numerous small towns on the coast, whenever freight offers, delivering the cargo in Yokohama or Tokio generally within a week.

The absence of progress visible at Niigata is due to the wretched state of the bar and harbour. Nothing has been done to try and deepen it, and though meetings are often held among the influential landowners and merchants to discuss ways and means, nothing satisfactory is ever settled. The probable cost of any works that would be of any use, causes every proposition to fall to the ground.

One proposition that I heard spoken of, seemed likely to present fewer difficulties than most others.

About a mile and a half above the town and nearly three miles from its present mouth, the river makes a deep curve reaching to within half a mile of the sea, and the suggestion was to cut an outlet, turning the river into the sea at that point, and to utilise the water below the dam,—which would have to be made,—as a harbour, dredging it to the necessary depth for vessels of ordinary draught as also the present bar, which would then have no current, but be merely an arm of the sea. The anticipated difficulties however of keeping the entrance open and of the requisite depth during the winter months, as the coast is all loose sand, seem to prevent the adoption of this scheme also. Unless something is done, however, there is no hope of any improvement in the trade of the place, as an hour's bad weather renders the bar impassable, and ships have to run to Sado for shelter, the holding ground being bad.

The inland traffic is well maintained by a fleet of nine river steamers which run to Nagaoka, some forty miles distant making five trips each way daily.

To Kameda, three steamers make four trips each way daily.

To Yoshida four trips each way daily.

To Kiyogashima two trips each way daily.

To Kudzudzuka three trips each way daily, each steamer on the several lines calling at numerous places on the way. Besides these steamers running from Niigata, there is a steamer which makes one trip each way daily between Nagaoka and Ojiya. The fares are low and the steamers run fairly regularly; they are almost entirely used for passenger traffic.

There are no foreign merchants residing at Niigata, the only foreign residents being four American Missionaries, two French Missionaries and one Italian Hotel Keeper.

Rice is the chief product of the Niigata district, and on an average 4,500,000 piculs are produced yearly. This year, in many places the crop has been a failure, owing to floods in the spring. The land round Niigata in the direction of Kameda, and the Naka Kambara district, is especially low, and the snow melting in the hills brought down so much water that the river burst its banks in many places, overflowing them in others, and the whole place became a lake, thus preventing the farmers from planting their crops. Even in the end of July in the Naka Kambara district, the water was still in some places four feet deep, and it was anticipated that owing to these floods, over 2500 acres of prime rice land would lie fallow. Over 1000 houses had been flooded, and the farmers were in great distress; the Government was obliged to issue rations for their support. Generally speaking however a fair average crop was expected. The other crops consist of Tea, Cotton, Indigo, Pears, and cereals of various kinds. Sericulture also is carried on in various places in the Prefecture, principally at Gosen, Nagaoka and Tocho, the yearly value of the amount produced being, for.

Year.	Value of Silk.	Value of Cocoons.
	yen.	yen.
1879	242,826	 257,696
1880	845,891	 377,911
1881	1,633,933	 391,414
1882	387,125	 297,230
1883	144,352	 208,894

At the several places above mentioned small manufactories exist where the silk is woven into piece stuffs for local consumption; little or none is sent out of the prefecture except in a manufactured state.

Kerosene.—Crude oil is obtained at thirty six places in the prefecture, the principal of which are in the neighbourhood of Niitsu, Takata and Sōchi, but the quantity extracted is at present trifling. Three years ago at Niitsu over one hundred *koku* of crude oil was obtained daily, but now owing to the low prices of the American oil, and the expense of distilling the native article, only some thirty *koku* are taken daily from all the wells in that neighbourhood, and the total yield in the Prefecture had dwindled to a value of *yen* 76,971 of refined oil in 1883. The oil obtained at Niitsu is of a high test 150° to 170° while that at Takata only averages 90°, test. From one *koku* of crude oil $\frac{3}{10}$ths of best, or $\frac{3}{10}$ths of second quality oil can be distilled; of the remainder $\frac{3}{10}$ths is thick and black looking, and is sold at about seven *sen* per gallon to the neighbouring farmers, who burn it like ordinary oil; the other $\frac{3}{10}$ths or $\frac{3}{10}$ths are refuse.

Salt Making by evaporation from sea water gives employment to a great number of persons for miles along the coast, between Naoetsu and Kashiwasaki, during the months of July and August, over 6,000 piculs being made annually.

There are no factories of any kind established in this prefecture with the exception of those mentioned for silk weaving and oil distilling, neither does there seem to be any indication of commercial activity in the future.

Coal-mining has been virtually discontinued, as the coals were found not to be of a good quality.

In the year 1879 a large fire occurred which destroyed 851 houses, and in the following year 1880 another destructive fire burnt 6,029 houses and godowns in the wealthiest portion of the town of Niigata.

The principal buildings erected during the last few years, are New Post and Telegraph offices, Town Hall, Exchange, and a large building for the local assembly, which was completed in 1884.

Schools.—The number of schools increases

yearly, and in 1884 the total number of every class in the prefecture amounted to 1,190, with 4,778 teachers and 113,624 pupils.

HOSPITALS.—There are eleven hospitals attended by 75 doctors in the prefecture, and in the town of Niigata there is also a medical school with 190 students, and a female school of midwifery where some 30 women receive instruction.

SHIPPING has been for some years steadily increasing, as will be seen on reference to the Table. The steamers of the Mitsu Bishi and Union Steamship Companies run pretty regularly several times a month, calling at numerous way ports besides Niigata, and there are also a number of small local steamers which ply regularly between Niigata and Sado, and also up and down the coast. Since the competition began between the Mitsu Bishi Company and the Union Steamship Company, freights have fallen considerably.

On the 1st January 1885, the population of Niigata prefecture consisted of:—

Males	813,484
Females	812,743
Total	1,626,227

With a population in the town of Niigata of 40,185.

SADO ISLAND, which lies opposite Niigata, distant about 31 miles at its nearest point, contains 106,181 inhabitants, besides a floating population of about a thousand. It contains 162 square ri, with a coast line of 51½ *ri*. The climate is much milder than on the mainland, the thermometer ranging between 38° Fahrenheit in winter and 85° in summer. Snow melts as soon as it falls. There are 78 villages and towns, and 217 hamlets. Of the former, the most important is Aikawa, on the South-western extremity of the island, with 11,513 inhabitants, and here are the Government branch offices for the whole island. Next in size are Ogi, with 3,010, Kawaharada with 2,500, and the two adjoining villages of Ebisu and Minato with 3,700 inhabitants. There are 19,840 acres English measurement under rice cultivation, producing annually 113,200 *koku* of rice, nearly the whole of which is consumed on the island. There are 9,066 acres of arable land, producing corn, hemp, beans, &c., 2,680 acres of land occupied by houses, 40,073 acres of wooded land, and 1,652 acres of waste land. The remainder consists of roads, mountainous land, lakes, &c.

The whole of the centre of the island is flat and well cultivated, with a good water supply, and when I was there, the rice fields appeared to be much finer and more forward than those on the mainland. The general appearance of the homesteads is far above the average of farmers' dwellings, which is accounted for by the fact that there are no large landed propietors, but each farmer owns the land he cultivates, and thus though there is no great wealth, there is general comfort. There is a fair road across the island from Ebisu to Atkawa, eighteen feet broad, half of which has been lately put in thorough repair, and the remainder will be finished shortly, some alterations being made with a view to shortening it. From the town of Ikarikago to Aaikawa, a new road has been nearly completed across a high range of hills; it is about 4½ miles long, and has an average gradient of 1 foot in 18 to 15 feet. At the summit of the pass there is a cutting 480 feet long, 192 feet wide at the top, narrowing to 20 feet at the bottom, and 105 feet deep. The cost for this undertaking has been a little over 22,000 *yen*.

The principal exports are cuttle fish, awabi, straw sandals, coarse mats, and straw rope.

There are 75 schools on the Island, but no hospital, though nearly 50 per cent. of the inhabitants appear to suffer from affections of the eye.

The working of the gold and silver mine at Aikawa, is being steadily carried on, but from the annexed table, giving the Returns and Expenditure from 1st January, 1879, to 30th June, 1884, it would appear that the ultimate result has been a loss of nearly 50,000 *yen*:—

	Momme.	Per Me.	
Gold.....	138,859=@	*yen* 2.80.....	*yen* 388,805
Silver ...	4,021.155=@	*yen* 0.15.....	*yen* 603,173
Total			*yen* 991,978
Total Expenditure			*yen* 1,040.062

In making this estimate, the bullion has been taken at its present market value, paper and bullion being at par, viz., gold *yen* 2.80 per *momme* (=58.33 grains), and 15 *sen* per *momme* for silver, but as the price of *satsu* was very low from 1879 till quite lately the selling price of gold and silver against paper, was considerably higher, at one period reaching really five *yen* *satsu* per *momme* for gold. The mining accounts would, therefore, show a profit on the working.

The prices realized for the bullion were not included, however, in the statistics given to me.

RETURN OF THE OUTPUT, AND EXPENDITURE SADO MINE.

Year.	Output of Ore in Tons.	Ore Reduced Tons.	Gold. oz. dwt. gr.	Silver. oz. dwt. gr.	Expenditure. Yen.
1879...	4,964	5,031	3,362.19.08	62,311. .11	115,501
1880...	5,394	4,338	3,594.11.17	82,960.13.20	143,055
1881...	5,496	3,880	3,238 15.11	96,919.15.19	186,629
1882...	5,866	3,919	2,315. 5.20	72,119.11.12	244,731
1883...	6,436	6,400	2,711. 2.14	114,734.5. 2	244,087
1884 to 30th June	3,828	4,446	1,647. 1.20	59,608.15.06	105,159

The air in the mine is perfectly pure, and there is capital ventilation throughout; moreover as the work is carried on in the solid rock there is no inconvenience from water: the whole mine is perfectly dry. No important changes have been effected of late years, and as the mode of working was so fully described by Mr. Woolley in his Report of October 8th, 1879, a repetition is needless.

NAOETSU, a town some sixty-five miles from Niigata, in the South-western portion of the prefecture, situated at the mouth of the Sekigawa, and off which steamers belonging to the Mitsu Bishi and other companies call regularly, is, like most of the towns on the West Coast of Japan, built on and behind low sand hills. There is only an open roadstead, and steamers cannot remain if it comes on to blow, but have, as at Niigata to run over to Sado for shelter, or else down the coast to Fushiki. Naoetsu contains 1,498 houses and 6,705 inhabitants, mostly well to do traders, with a small fishing population. This town has been chosen as the terminus of the Naoetsu and Uyeda section of railway, a distance of about seventy-four miles. The works were commenced on the 8th July, and are being pushed on very rapidly. The railway authorities have laid down a temporary line to the beach, from whence the materials—sleepers, rails, and rolling stock, which are rapidly arriving by every steamer,—are taken on trolleys to the permanent line which commences at the back of the town. The permanent way is laid with English steel rails 62 lbs. to the yard: the road is quite level as far as the town of Arai, about 12½ miles from Naoetsu, and passes mostly through rice land. Halfway between Arai and Naoetsu, is the town of Takata, containing 5,722 houses, and 25,002 inhabitants; it was formerly the castle town of the Daimio of Takata, and the district government offices are situated here.

It is hoped that the line will be opened for traffic as far as Arai by October, and when I visited the place on the 1st August last, some two to three miles of rails had been already laid down. The line is only raised sufficiently above the rice fields to prevent the danger of flooding, and labour is cheap, the making of the line being contracted for at fifty two sen per cubic fathom. Some little delay was being caused by the farmers' dilatoriness in agreeing upon the amount of compensation they are to receive on account of the line passing through their land. I was informed that the price of rice land in that district averaged 43 to 45 *yen* per tan, equal one quarter acre English.

From Arai the gradients are steep, amounting to one foot in 40 and in places one foot in 35. The highest point in the line is 2,150 feet above sea level, at Kashiwabara, which height will be ascended in a distance of about eighteen miles. Close to Kashiwabara is Nojiri lake, a fine piece of water, in beautiful scenery, and said to abound with fish. The part of the line which presents most engineering difficulties is between Arai and Muré, a distance of twenty-nine and a half miles, and again five and a half miles beyond, to the Shinanogawa. There will be at least three tunnels, and perhaps more, as it is considered wiser to tunnel, than to have deep cuttings, on account of the heavy falls of snow in winter.

Surveys have already been made of the line of country, but it is anticipated that several deviations from the original course determined on, will be made, so that it is not settled how many or where the stations will be erected.

The line as at present settled will start from Naoetsu, passing Takata and Arai, crossing the Sekigawa at the town of that name, and will then go up the Akagawa valley to the summit of the pass near Kashiwabara and Nojiri lake 2,150 feet. From there the line will principally follow the valley of Torii-gawa to the town of Asano, where the Shinanogawa, or as is often locally called, the Chikumagawa will be crossed, and will then follow the river valley to Uyeda where the Nakasendo trunk line will be met from Takasaki. If after further survey, the crossing at Asano is not found to be advisable, the line will probably go from thence to Nagano, crossing the Sai-kawa—a branch of the Shinano-gawa—about half a mile above the town, and after that keep to the Western side of the Chikuma-gawa as far as Uyeda.

The opening up of this line will it is hoped, drain the trade of Kaga, Echiu, Echigo, and possibly Noto; all of these districts have a large trade in rice, salt, and fish, and the valley of Torii-gawa and round Asano, through which the line will pass, is a very rich silk district.

Such of the above-named provinces as do not have direct communication with points on the line, will it is expected send their produce by sea to Naoetsu and forward it on by rail from thence. The line is expected to be completed in three years, and should this section be finished before the Takasaki-Uyeda section meets, the line will probably be continued as far as the town of Matsumoto, twenty-eight and a half miles distant.

A rough estimate has been made of the probable cost of this section, amounting to *yen*

4,500,000, or *yen* 60,000 per mile, when finished, including rolling stock, &c. It is a question whether the line will be a paying one, especially at first, till the public learn to appreciate the value of time, and, in illustration of the difficulties to be overcome, I may mention that on the Tsuruga and Ogaki line, manual labour competes successfully with the railroad in the following manner:—Freight is sent from Tsuruga by rail only as far as Sekigahara, some eight to ten miles from Ogaki, and is there put into carts and taken to Ogaki by coolies at a cheaper rate than the railway can afford to do it although the freight for a four ton truck (mineral waggon) has been reduced to a minimum charge of *yen* 1.50 for every twenty miles. The rail is used from Tsuruga to Sekigahara, the road being difficult, but from there to Ogaki it is level, and time and chances of damage do not seem to count against a small ultimate saving in carriage. Coolie labour is also plentiful round Naoetsu at 15 *sen* a day, and I was informed the authorities of a neighbouring province offered to supply five hundred coolies to work on the railway if necessary at ten *sen* per man a day. Where labour is so cheap, it does not seem probable that the railway will be much made use of at present, except when unavoidable, but it is confidently expected that the facility of transporting produce rapidly, will in course of time lead to greatly increased production of many articles, now only grown in sufficient quantities for local consumption.

Gōtsu is a small hamlet about two miles nearly due west of the town of Naoetsu, where it is proposed to construct a harbour in which vessels of light draught can anchor in safety during all weather. It is at present exposed to winds from West North West, to North East, and it is proposed to build two breakwaters, one in a North Easterly direction on the West side of the village, about 1,650 feet long, and a second 1,200 feet long in a North North Westerly direction to the Eastward of the village. The entrance for vessels, which is open to the North East, will be 1,050 feet wide. For about 950 feet from the shore, the water is shallow, but the remainder will have an average of eighteen to twenty feet. There will be anchorage space for 700 feet along the Western wall, and for about 1,000 feet at right angles to it, and then 1,000 feet to the end of the 1,200 feet wall; inside of this line to the shore which forms a small bight, the water shoals rapidly. Only very few vessels of light draught can possibly enter at a time, and these should be moored both head and stern.

Some two hundred years ago, a breakwater was built out by the Daimio of Takata, but was destroyed seventy years later by an earthquake: it was rebuilt about fifty years later, but was again destroyed two years after by the waves. It was rebuilt the following year, but the stones not being sufficiently large it gradually got washed away and nothing now remains but the débris along the shore.

The place was surveyed last year under the directions of the Home office, and the cost is estimated at 400,000 *yen*. If the proposition is carried out, the breakwater to the North West of Gōtsu will be built almost on the site of the former ones, with the addition of the one to the Eastward.

The terminus of the railway will then be at Gōtsu, and the line now being made will diverge at a point about two miles outside Naoetsu, reaching Gōtsu by a tunnel through the hills which rise immediately behind the village. The stone to make the breakwater will have to be brought from the island of Sado, as there is none to be obtained from the neighbouriug hills, and in the opinion of the surveying engineer, it will take three years to complete the work.

Nanao harbours, in the province of Noto, and named respectively North and South harbours, are about the finest in Japan. The North harbour is the larger, with an entrance over a mile wide, increasing inside to over four miles, is some eight to nine miles long, with an average depth of twenty-two fathoms in the middle, and good anchorage at the towns of Anamidzu and Nakai, close to the shore in five to seven fathoms, and is complety landlocked.

The south Harbour is narrow at one part of the entrance, being not more than two ship's lengths, say seven hundred feet. After a mile or so the harbour trends to the south-west for some five miles, and at the bottom lies the town of Nanao, off which a vessel of any size can anchor in perfect safety in five to seven fathoms, from half to three quarters of a mile from the shore.

The entrance, though narrow, presents no difficulties for steamers if a few beacons and buoys were placed to mark certain rocks and shoals, but a sailing vessel would have to be towed in. Depth of water at entrance from sixteen to eighteen fathoms, gradually shoaling till the anchorage is reached. These harbours are divided by the Island of Noto, which lies nearly East and West, about seven miles long, and some three miles broad at its widest part. There is a narrow boat passage at the western extremity, connecting the North and South harbours.

There is a good chart of these harbours published by the Admiralty from a Japanese Government survey of the large harbour, and from a survey of the South harbour made by H.M.S. *Serpent* in 1867. These harbours, however, excellent as they are, are not of much practical utility, as they do not form an outlet to any large commercial centre.

The Harbour of Fushiki, off a town of that name, and lying some eighteen to twenty miles to the Southward, where the Mitsu Bishi, Union Steamship Company, and other steamers call regularly, absorbs most of the trade of that district, and has good anchorage all the year round, to the South-South-West of the river, in six fathoms, from three quarters of a mile to a mile from the shore. The harbour is fairly well sheltered all round, except North by East, to North East by East; ships can anchor and load in winter, as the prevailing winds are North to North West.

I have the honor to be,
Sir,
Your most obedient, humble Servant,
JOHN J. QUIN.

The Honourable F. R. Plunkett,
&c., &c,, &c.,
H.B.M.'s Envoy Extraordinary and Minister Plenipotentiary, Tôkyô.

I.—RETURNS OF THE JAPANESE IMPORT TRADE OF THE NIIGATA DISTRICT FOR THE YEAR ENDED DECEMBER 31ST, 1879.

Articles.	Quantity.		Value.
Sugar	tubs	28,613	272,090
Cloth, all kinds	boxes	2,864	178,912
Toilet and Fancy Articles	boxes	1,172	28,679
Paper	bales	6,403	51,271
Clothing	boxes	405	10,242
Twine, all kinds	kwanme	62,048	542,533
Dyes	kwanme	10,112	24,200
Medicine	boxes	1,824	69,814
Iron	kwanme	253,840	50,812
Iron Ware	boxes	20,490	79,830
Salmon—salt	number	567,022	107,185
Herrings	kwanme	461,744	82,308
Fish, all kinds	kwanme	67,669	17,697
Fish Roes	kwanme	41,184	18,954
Albicore, dried	kwanme	11,760	10,218
Oil, lamp	tubs	3,106	14,712
Salt	bags	252,408	215,444
Cotton	kwanme	266,640	175,636
Vegetable Wax	kwanme	84,072	112,390
Syrup (Ame)	tubs	2,505	16,368
Beans	piculs	3,090	6,834
Vegetables, dried	kwanme	23,992	5,633
Macaroni	kwanme	24,912	10,890
Mats, fine	number	63,660	9,233
Mats, coarse	number	15,560	8,563
Coals	kwanme	739,808	8,324
Manure	kwanme	396,192	6,986
Lumber	number	189,475	30,529
Nails	kwanme	21,664	5,013
Trout, salt	number	624,596	36,293
Sake	tubs	4,241	7,021
Tea	piculs	297	5,977
Straw Hats	bundles	680	5,504
Albicore—salt	number	8,824	8,475
Miscellaneous			198,402
Total	Yen		2,432,962

SADO ISLAND IMPORTS 1879.

Articles.	Quantity.		Value.
Sugar	tubs	1,040	9,231
Cotton	kwanme	12,338	7,954
Salt	bags	16,771	12,222
Miscellaneous			25,799
Total	Yen		55,206

RETURNS OF THE JAPANESE IMPORT TRADE OF THE NIIGATA DISTRICT FOR THE YEAR ENDED DECEMBER 31ST, 1880.

Articles.	Quantity.		Value.
Sugar	tubs	30,401	298,774
Cotton	kwanme	150,704	85,251
Albicore, dried	kwanme	16,644	5,130
Salmon, salt	number	389,886	100,957
Herrings	kwanme	7,183,596	76,378
Twine, Japanese	boxes	2,475	185,559
Twine, American	boxes	480	91,800
Salt	piculs	405,470	395,081
Mats, fine	bundles	8,644	25,719
Nets, fishing	number	893	5,386
Iron	kwanme	162,704	86,373
Iron Ware	boxes	4,471	46,454
Medicine	boxes	999	19,799
Toilet and Fancy Articles	boxes	6,214	92,619
Paper	bales	1,995	15,966
Syrup (Ame)	tubs	1,187	8,410
Bark for paper	bales	4,385	5,257
Lumber	number	242,441	39,402
Oil	tubs	2,160	7,823
Spirits, all kinds	boxes	383	5,677
Tea	piculs	205	7,541
Cloth	bales	2,476	75,666
Vegetable Wax	kwanme	121,280	133,851
Fish, salt, all kinds	kwanme	3,450,720	104,149
Fish, fresh, all kinds.	kwanme	35,648	6,729
Miscellaneous			110,279
Total	Yen		2,036,030

SADO ISLAND IMPORTS 1880.

Articles.	Quantity.		Value.
Salt	piculs	6,175	5,819
Miscellaneous			22,639
Total	Yen		28,458

RETURNS OF THE JAPANESE IMPORT TRADE OF THE NIIGATA DISTRICT FOR THE YEAR ENDED DECEMBER 31ST, 1881.

Articles.	Quantity.		Value.
Sugar	tubs	27,224	314,791
Cotton	kwanme	115,216	81,842
Cloth	bales	1,970	124,025
Mats, fine	bundles	12,816	26,233
Vegetable Wax	kwanme	68,976	94,454
Albicore, dried	kwanme	9,376	21,279
Salmon, salt	number	1,180,170	233,179
Salmon, roes	tubs	3,099	7,073
Fish, all kinds	kwanme	35,884	6,459
Trout, salt	number	668,690	37,405
Whale, fish	kwanme	6,480	6,020
Salt	piculs	301,338	231,084
Syrup (Ame)	tubs	2,374	15,534
Seaweed	bundles	12,872	5,605
Beans	piculs	3,291	7,210
Iron	kwanme	318,832	70,043
Coals	kwanme	395,680	6,923
Rice	piculs	1,756	8,194
Herrings	kwanme	332,390	84,036
Twine, American	boxes	3,711	432,260
Cloth, foreign	boxes	75	21,500
Toilet and Fancy Articles	boxes	1,493	36,534
Dyes	bags	1,862	20,245
Medicine	boxes	672	20,415
Spirits, foreign	boxes	364	6,890
Tea	piculs	258	30,980
Edible seaweed	bundles	786	7,164
Lumber	number	124,698	55,624
Saws, iron	boxes	98	5,315
Fish, roes	kwanme	45,264	23,112
Cod fish	kwanme	77,088	7,173
Wheat	piculs	2,382	7,603
Miscellaneous			316,646
Total	Yen		2,327,850

SADO ISLAND IMPORTS, 1881.

Rice	piculs	1,948	5,836
Miscellaneous			23,971
Total	Yen		29,807

RETURNS OF THE JAPANESE IMPORT TRADE OF THE NIIGATA DISTRICT FOR THE YEAR ENDED DECEMBER 31ST, 1882.

Articles.		Quantity.	Value.
Sugar	tubs	286,628	360,246
Foreign goods	boxes	108,500	487,123
Fish, salt all kinds	kwanme	2,497,600	256,102
Fish, dried all kinds	kwanme	1,272,000	149,138
Salt	piculs	83,000	82,778
Copper and Iron	kwanme	1,136,800	75,675
Iron ware	boxes	20,880	30,027
Cotton	kwanme	780,000	73,429
Vegetable wax	kwanme	608,000	67,743
Toilet and fancy articles	boxes	51,300	61,141
Cloth, all kinds	bales	45,000	53,998
Lumber	number	43,110	46,006
Paper	bundles	29,100	43,068
Medicine	boxes	16,600	38,949
Mats, fine	bundles	31,300	25,852
Dyes	kwanme	289,600	25,490
Rattan Baskets	number	16,800	25,643
Tea	piculs	485	22,543
Crockery ware	baskets	15,800	14,075
Clothing	boxes	11,800	22,426
Rice	piculs	5,575	14,587
Toys	boxes	5,540	12,073
Umbrellas (foreign)	number	10,880	11,884
Cereals all kinds	piculs	7,720	10,514
Vegetables (dried)	piculs	5,500	17,962
Oil	tubs	4,230	9,426
Sake (Rice beer)	tubs	8,210	9,424
Clocks, foreign	number	2,510	7,260
Coals	kwanme	163,200	7,129
Miscellaneous			183,187
Total			Yen 2,253,898

SADO ISLAND IMPORTS 1882.

Sugar	tubs	51,050	58,341
Salt	piculs	31,510	32,632
Cotton	kwanme	366,600	30,442
Vegetable wax	kwanme	289,600	28,176
Paper	bundles	5,800	21,709
Fish, dried	kwanme	136,160	16,156
Fish, salt	kwanme	92,320	10,889
Mats, fine	bundles	11,500	13,772
Straw Rope	coils	7,200	13,018
Oil	tubs	6,560	7,623
Macaroni	boxes	4,820	5,067
Miscellaneous			36,624
Total			Yen 274,449

RETURNS OF THE JAPANESE IMPORT TRADE OF THE NIIGATA DISTRICT AND THE ISLAND OF SADO FOR THE YEAR ENDED DECEMBER 1ST, 1883.

Articles.		Quantity.	Value.
Sugar	piculs	34,559	384,694
Cereals	piculs	21,634	21,051
Salt	piculs	335,223	200,341
Tea	piculs	598	24,904
Twine, all kinds	kwanme	311,747	175,862
Cloth	bales	652	16,305
Clothing (old)	bundles	1,867	40,621
Cloth (foreign)	bales	380	63,930
Dyes	kwanme	36,080	41,644
Vegetables	boxes	890	7,945
Iron	kwanme	233,136	66,718
Iron ware	boxes	3,811	23,248
Quick-silver	boxes	2,307	17,270
Oil	tubs	8,048	38,959
Oil, fish	tubs	1,170	6,267
Oil, kerosene	boxes	4,452	14,091
Vegetable wax	kwanme	119,648	85,685
Paper	bundles	9,891	38,858
Umbrellas (foreign)	boxes	262	9,960
Toilet and fancy articles	boxes	959	30,742
Straw, hats	bundles	9,098	26,578
Mats, fine	bundles	4,228	21,269
Lumber	number	54,921	11,915
Bamboos	number	154,369	49,075
Syrup (Ame)	tubs	4,206	31,985
Matches	packages	1,397	7,627
Fish, salt	kwanme	130,464	55,131
Trout, salt	number	1,861,101	94,871
Salmon, fresh	number	20,168	6,242
Salmon, salt	number	3,764,701	87,889
Cuttle fish	kwanme	39,820	23,807
Salmon, roes	tubs	3,419	6,567
Herring, roes	bundles	1,001,382	125,069
Albicore, dried	bundles	1,292	21,471
Cod, roes	tubs	259	5,581
Fish, all kinds	bundles	823	5,312
Rags	bundles	1,107	56,184
Miscellaneous			80,814
Total			Yen 2,026,482

RETURNS OF THE JAPANESE IMPORT TRADE OF THE NIIGATA DISTRICT FOR THE FIRST SIX MONTHS ENDED JUNE 30TH 1884.

Articles.		Quantity.	Value.
Sugar	kwanme	912,430	245,781
Salt	koku	160,748	156,867
Albicore	kwanme	4,153	8,484
Sardines, salt	kwanme	162,840	15,446
Fish salt all kinds	kwanme	120,054	5,513
Fish, fresh all kinds	baskets	64,384	90,040
Herrings	kwanme	183,676	11,927
Herring manure	kwanme	80,669	7,189
Tobacco	kwanme	29,422	29,978
Cloth	number	148,165	218,234
Clothing	boxes	464	19,291
Twine	kwanme	104,553	157,349
Dyes	kwanme	42,744	58,121
Lumber	number	121,370	7,723
Iron	kwanme	178,431	35,856
Iron ware	boxes	16,991	7,801
Nails, foreign	kwanme	72,530	16,158
Mats fine	number	30,632	16,192
Oil, Kerosene	boxes	3,199	5,609
Charcoal	kwanme	172,143	8,388
Coals	kwanme	2,810,922	17,800
Macaroni	kwanme	33,287	7,686
Crockery	boxes	3,267	15,535
Stones	number	7,659	10,670
Medicine	boxes	503	5,667
Toilet and Fancy Article	boxes	1,065	40,802
Vegetable wax	kwanme	76,121	72,708
Miscellaneous			399,042
Total			Yen 1,691,857

SADO ISLAND IMPORTS FIRST SIX MONTHS 1884.

Articles.		Quantity.	Value.
Sugar	kwanme	11,233	5,608
Twine	kwanme	8,426	5,176
Miscellaneous			24,768
			35,552

II.—RETURNS OF THE JAPANESE EXPORT TRADE OF THE NIIGATA DISTRICT FOR THE YEAR ENDED DECEMBER 31ST, 1879.

Articles.		Quantity.	Value.
Rice	piculs	878,111	2,134,868
Wheat	piculs	4,098	9,132
Beans, white	piculs	27,103	77,672
Beans, black	piculs	4,319	8,717
Sake	tubs	30,148	37,550
Medicine	boxes	4,707	85,619
Hemp	kwanme	9,600	15,042
Cloth	boxes	1,324	47,501
Copper	kwanme	42,032	23,274
Wooden shoes	boxes	34	6,066
Vegetables	basket	13,880	4,454
Iron ware	boxes	2,113	19,715
Lacquer	tubs	372	12,962
Twine	kwanme	4,208	8,128
Oil, kerosene	boxes	10,220	19,383
Flour	kwanme	11,400	5,314
Lumber	number	22,380	5,093
Nets, fishing	number	930	41,350
Cuttle fish	kwanme	11,350	8,221
Albicore	kwanme	9,310	5,082
Fish, various	kwanme	58,945	7,358
Toilet and fancy article	boxes	412	19,640
Alcohol	bottles	185,796	10,796
Miscellaneous			180,343
Total			Yen 2,793,280

SADO ISLAND EXPORT RETURNS FOR THE YEAR ENDED DECEMBER 31ST, 1879.

Articles.		Quantity.	Value.
Rice and Wheat	piculs	4,495	7,666
Straw sandals	bundles	10,859	5,721
Straw Rope	bundles	13,899	5,319
Lumber	number	132,864	7,870
Cuttle fish			50,661
Fish, all kinds	kwanme	586,272	12,513
Miscellaneous			23,616
Total			Yen 113,366

RETURNS OF THE JAPANESE EXPORT TRADE OF THE NIIGATA DISTRICT FOR THE YEAR ENDED DECEMBER 31ST 1880.

Articles.		Quantity.	Value.
Rice	piculs	648,524	2,281,713
Beans, white	piculs	27,168	95,899
Beans, black	piculs	11,059	27,808
Sake	tubs	29,331	61,585
Alcohol	bottles	483,840	20,793
Sauce (soy)	tubs	10,874	7,072
Flour, all kinds	boxes	7,671	5,034
Vegetables	baskets	8,163	5,576
Hemp	bundles	711	20,241
Lumber	number	118,548	5,715
Oil, kerosene	boxes	2,703	5,091
Cloth	bundles	70	5,130
Tea	piculs	1,862	116,181
Iron	kwanme	37,264	23,384
Iron ware	boxes	1,020	31,964
Lacquer	tubs	187	7,663
Wheat	piculs	6,276	21,741
Cuttle fish	kwanme	9,790	10,521
Fish, all kinds	kwanme	298,984	24,799
Toilet and fancy Articles	boxes	351	17,550
Nets, fishing	number	1,037	75,088
Miscellaneous			40,292
Total			Yen 2,910,840

SADO ISLAND EXPORT RETURNS FOR THE YEAR ENDED DECEMBER 31ST 1880.

Articles.		Quantity.	Value.
Cuttle fish	kwanme	71,370	7,040
Straw ware	bales	16,561	18,241
Miscellaneous			21,784
Total			Yen 47,065

RETURNS OF THE JAPANESE EXPORT TRADE OF THE NIIGATA DISTRICT FOR THE YEAR ENDED DECEMBER 31ST, 1881.

Articles.		Quantity.	Value.
Rice	piculs	542,957	1,780,234
Beans, White	piculs	34,752	100,361
Wheat	piculs	3,244	8,137
Sake	tubs	16,534	31,978
Alcohol	bottles	286,176	16,306
Sauce	tubs	5,904	6,643
Vegetables	baskets	5,084	5,587
Cloth	bales	2,039	15,872
Lumber	number	289,269	19,715
Tea	piculs	3,087	152,497
Rope	coils	578	41,229
Copper	kwanme	16,000	7,000
Iron	kwanme	21,328	10,264
Iron Ware	boxes	1,053	54,685
Lacquer	tubs	219	7,669
Salt	piculs	6,353	5,315
Herrings	kwanme	31,836	6,929
Fish, all kinds	kwanme	1,018,176	28,579
Miscellaneous		—	105,484
Total			Yen 2,404,484

SADO ISLAND EXPORT RETURNS FOR THE YEAR ENDED DECEMBER 31ST, 1881.

Articles.		Quantity.	Value.
Cuttle Fish	kwanme	351,450	31,272
Fish, all kinds	kwanme	121,933	8,832
Straw Rope & Sandals	bundles	4,429	6,164
Miscellaneous		—	11,079
Total			Yen 57,347

RETURNS OF THE JAPANESE EXPORT TRADE OF THE NIIGATA DISTRICT FOR THE YEAR ENDED DECEMBER 31ST, 1882.

Articles.		Quantity.	Value.
Rice	piculs	436,110	1,147,570
Wheat and Beans	piculs	71,520	140,377
Cloth	boxes	78,707	164,487
Tea	piculs	4,134	192,236
Copper	kwanme	544,800	57,052
Iron ware	boxes	53,000	74,357
Fish, dried	kwanme	835,200	44,141
Fish, salt	kwanme	87,040	13,306
Sake	tubs	7,080	33,271
Sauce	tubs	7,355	8,006
Vegetables	baskets	9,470	8,595
Medicine	boxes	3,220	9,535
Lacquer	tubs	5,200	13,920
Curios	boxes	6,120	10,027
Lumber	number	4,580	5,522
Miscellaneous			161,083
Total			Yen 2,083,485

SADO ISLAND EXPORT RETURNS FOR THE YEAR ENDED DECEMBER 31ST, 1882.

Articles.		Quantity.	Value.
Rice	piculs	819	2,142
Straw ware	bundles	28,050	5,688
Straw, rope	coils	5,460	9,542
Fish, dried	kwanme	675,840	60,268
Miscellaneous			14,586
Total	Yen		92,226

RETURNS OF THE JAPANESE EXPORT TRADE OF THE NIIGATA DISTRICT AND SADO ISLAND FOR THE YEAR ENDED DECEMBER 31ST 1883.

Articles.		Quantity.	Value.
Rice	piculs	678,351	1,086,469
Wheat and Beans	piculs	25,448	70,454
Sake	tubs	9,942	26,296
Alcohol	bottles	11,170	13,026
Vinegar	bottles	5,770	6,245
Soy (sauce)	tubs	536	6,484
Tea	piculs	806	39,651
Cloth	number	7,284	104,562
Hemp	kwanme	32,528	18,798
Salmon, salt	kwanme	232,192	8,655
Cuttle fish	kwanme	3,260,940	61,883
Herring, Roes	kwanme	2,159,520	8,363
Fish, all kinds	kwanme	1,398,260	6,185
Vegetables	kwanme	93,344	6,199
Copper	kwanme	38,592	217,522
Iron ware	boxes	3,580	82,119
Oil, kerosene	boxes	2,574	7,263
Doors and Screens	number	2,860	5,140
Rope	coils	396	8,823
Lumber and Planks	number	27,948	5,954
Macaroni	boxes	6,327	11,235
Miscellaneous			154,672
Total	Yen		1,955,998

RETURNS OF THE JAPANESE EXPORT TRADE OF THE NIIGATA DISTRICT FOR THE SIX MONTHS ENDED JUNE 30TH, 1884.

Articles.		Quantity.	Value.
Rice	piculs	1,337,675	2,207,512
Beans, white	piculs	39,573	48,577
Beans, black	piculs	4,392	9,314
Soy (sauce)	tubs	6,160	5,278
Salt	piculs	4,627	17,709
Tea	piculs	187	7,109
Sugar	kwanme	61,204	13,362
Tobacco	kwanme	34,974	34,600
Cloth	number	720,619	136,314
Hemp	kwanme	5,656	5,823
Dyes	kwanme	2,094	8,864
Lumber	number	23,878	5,657
Copper	kwanme	77,975	93,963
Oil, Kerosene	boxes	2,270	30,392
Sardines, salt	kwanme	172,131	7,980
Salmon, salt	kwanme	7,419	9,093
Fish, all kinds	kwanme	172,070	17,198
Herring manure	kwanme	177,108	9,785
Miscellaneous			76,532
Total	Yen		2,745,062

SADO ISLAND EXPORT RETURNS FOR THE SIX MONTHS ENDED JUNE 30TH, 1884.

Articles.		Quantity.	Value.
Rice	piculs	7,319	18,047
Cuttle fish	kwanme	17,563	12,088
Cod fish, salt	kwanme	1,316,069	5,995
Miscellaneous			7,958
Total	Yen		44,088

RETURN OF THE PRODUCTS OF THE NIIGATA KEN FOR THE YEAR 1881.

Articles.		Quantity.	Value.
Rice	koku	1,738,764	13,429,008
Wheat	koku	88,803	262,218
Millet	koku	18,741	82,856
Beans	koku	72,541	415,499
Cotton	piculs	10,532	185,374
Cocoons, silk	koku	13,134	391,414
Dyes	piculs	19,988	339,514
Tea	piculs	4,581	197,911
Tobacco	piculs	8,489	153,848
Rape seed	koku	13,968	96,893
Shark, dried	kwanme	427,142	120,881
Cuttle fish	piculs	3,162	65,460
Pears	kwanme	372,760	44,731
Silk, Raw	piculs	1,355	1,633,933
Oil, Kerosene	koku	17,422	97,490
Total	Yen		17,517,030

RETURN OF THE PRODUCTS OF THE NIIGATA KEN FOR THE YEAR 1882.

Articles.		Quantity.	Value.
Rice	koku	1,848,121	9,991,499
Wheat	koku	80,087	276,664
Millet	koku	19,924	68,259
Beans	koku	106,337	499,010
Cottons	piculs	8,979	151,749
Cocoons, silk	koku	15,440	297,230
Dyes	piculs	11,573	108,791
Tea	piculs	4,272	157,653
Tobacco	piculs	5,903	17,229
Rape seed	koku	23,063	119,374
Shark, dried	kwanme	213,937	44,071
Cuttle fish	piculs	1,933	101,530
Pears	kwanme	343,725	32,654
Silk, raw	piculs	586	387,125
Oil, kerosene	koku	18,222	132,268
Total	Yen		12,385,106

RETURN OF THE PRODUCTS OF THE NIIGATA KEN FOR THE YEAR 1883.

Articles.		Quantity.	Value.
Rice	koku	1,917,589	6,839,988
Wheat	koku	98,435	204,824
Millet	koku	18,500	34,725
Beans	koku	126,223	383,555
Cotton	piculs	15,523	169,205
Cocoons, Silk	koku	12,591	208,894
Dyes	piculs	16,577	77,914
Tea	piculs	7,716	183,676
Tobacco	piculs	6,729	41,052
Pears	koku	22,359	89,168
Shark, dried	kwanme	1,672,144	18,263
Cuttle Fish	piculs	11,220	150,078
Silk, Raw	piculs	402	144,352
Oil, Kerosene	koku	19,787	76,971
Total	Yen		8,622,665

III.—RETURN OF THE NUMBER AND TONNAGE OF JAPANESE VESSELS OF FOREIGN RIG AND OF JAPANESE JUNKS ENTERED AND CLEARED AT THE PORTS OF NIIGATA AND SADO FROM 1879 TO 30TH JUNE, 1884.

Description of Vessel.	Entered. 1879		Cleared. 1879		Entered. 1880		Cleared. 1880		Entered. 1881		Cleared. 1881	
	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.	No.	Tonnage.
Steamers	26	14,162	22	13,377	18	11,409	14	9,993	18	9,450	20	10,194
Schooners	10	378	7	238	37	4,899	40	5,293	74	7,558	77	8,214
Junks	5,646	176,530	6,372	165,899	5,689	135,925	5,421	118,796	7,333	181,761	6,277	156,619
		191,070		179,514		152,233		134,082		198,769		175,027
	1882.				1883.				to 30th June. 1884.			
Steamers	52	25,929	50	26,382	256	27,950	249	25,300	246	28,900	246	28,900
Schooners	48	5,113	48	4,863	137	9,650	128	9,200	106	8,700	110	9,350
Junks	6,393	190,084	6,044	177,634	8,148	188,285	8,645	221,095	4,066	121,982	4,160	92,546
		221,126		208,879		225,885		255,595		159,582		130,796

IV.—RETURN OF THE PRODUCTS OF THE NIIGATA KEN FOR THE YEAR 1879.

Articles.		Quantity.	Value.
Rice	koku	1,786,036	12,115,661
Wheat	koku	73,836	428,942
Millet	koku	26,859	80,632
Beans	koku	135,850	769,860
Cotton	piculs	6,721	75,279
Cocoons (silk)	koku	10,753	257,696
Dyes	piculs	17,483	96,157
Tea	piculs	6,429	266,816
Tobacco	piculs	7,424	44,549
Rape seed	koku	28,313	154,761
Shark, dried	kwanme	113,871	21,636
Cuttle fish	piculs	19,568	234,819
Pears	kwanme	347,349	35,430
Silk, Raw	piculs	447	242,826
Oil, kerosone	koku	26,691	120,516
Total	Yen		14,945,580

RETURN OF THE PRODUCTS OF THE NIIGATA KEN FOR THE YEAR 1880.

Articles.		Quantity.	Value.
Rice	koku	2,103,170	19,258,181
Wheat	koku	89,213	402,313
Millet	koku	20,034	79,073
Beans	koku	94,879	604,473
Cotton	piculs	10,023	194,434
Cocoons, silk	koku	13,908	377,911
Dyes	piculs	17,336	138,694
Tea	piculs	5,385	176,097
Tobacco	piculs	7,644	68,039
Rape seed	koku	13,971	88,914
Shark, dried	kwanme	132,720	38,489
Cuttle fish	piculs	2,041	34,089
Pears	kwanme	401,194	114,741
Silk, raw	piculs	983	845,891
Oil, kerosene	koku	24,347	130,443
Total	Yen		22,551,782

file.

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED

W Rowell

19

No. 99.

United States Legation.

Tokio, Japan January 21st 1886.

Mr. Hubbard.

To the Secretary of State.

Subject.

Receipt of instructions Nos. 30 to 34 inclusive & Circular instructions.

No. 99. United States Legation,

Tokio, Japan, January 21st 1886.

Hon. Thomas F. Bayard,

Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge the receipt of instructions nos 30 to 34 inclusive, together with Circular instructions relating to the death of Vice President Hendricks, and also the colonies and dependencies of Japan.

I have the honor to be,

Sir

Your obedient servant,

Richard B. Hubbard

To Treasy

to the Treasury Feby 23. 86

Wm Everett

19

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED

No. 100.

United States Legation.

Tokio. Japan, January 21st 1886.

Mr. Hubbard.

To the Secretary of State.

Subject.

Reply to the enquiry of the Honorable Secretary of the Treasury. Japan has no colony or dependency.

No. 100. United States Legation.

Tokio, Japan. January 21st 1886.

Hon. Thomas F. Bayard

Secretary of State.

Washington. D. C.

Sir:

In answer to the circular instruction of date, December 10th 1885, enclosing a printed Treasury document entitled "Revised Schedules of Countries, etc., and containing enquiries as to the Colonies and Dependencies of Japan, I have the honor to reply on authoritative information, that Japan has neither colonies or dependencies, and that the Loo Choo Islands, properly speaking, are considered as a portion of Japan itself

and

and is classified by the Japanese Government under the "Ken" (district or province) of Okinawa. In this respect Loo Choo has no separate distinction from any other part of Japan.

I have the honor to be,

Sir

Your obedient servant.

Richard B. Hubbard

file

W. Lovett

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED.

19

No. 101.

United States Legation
Tokio, Japan, January 22nd 1886.

Hon. Hubbard,

To the Secretary of State.

Subject.

Thanks for the expression of sym-
-pathy and condolence on the death
of Vice President Hendricks conveyed
to the Japanese Government.

No. 101. United States Legation

Tokio, Japan, January, 22nd 1886.

Honorable Thomas F. Bayard,

Secretary of State,

Washington, D. C.

Sir:

I have the honor to acknowledge your instruction numbered 31. In complying with the direction of the President, through your Department, I had the honor to inform His Imperial Japanese Majesty's Government, of the high appreciation of my Government of the expressions of sympathy and deep condolence by His Majesty's Government on account of the death of the Honorable Thomas A. Hendricks, Vice President of the

United

United States. This acknowledg-
-ment I had the honor to make
in the name of my Government.

I have the honor to be.

Sir.

Your obedient servant.

Richard B. Hubbard

file

Mr Everett

19

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED.

No. 102.

United States Legation.

Tokio, Japan, January 22nd 1886.

Hon. Hubbard,

To the Secretary of State.

Subject.

Action taken Towards rewarding the receivers of the seamen of the "Cashmere" from shipwreck.

No. 102. United States Legation.

Tokio, Japan, January 22nd 1886.

Hon. Thomas F. Bayard,

Secretary of State,

Washington, D.C.

Sir:

I have the honor to acknowledge your instruction No. 34. and accompanying copies of enclosures, forwarded to your Department, relating to the shipwreck of the "Cashmere", on the coast of Japan, and subsequent rescue and humane treatment of the survivors by Japanese officials and subjects.

I have in pursuance of said instruction, and to promote its most commendable recognition

of

of the humane and courageous acts of these Japanese subjects, requested the Acting Vice Consul at Osaka and Hiogo, to institute all necessary enquiries, to ascertain the individual parties, (officials or private subjects,) who participated in these humane acts towards our American shipwrecked seamen, when in distress and destitution.

I have also made suitable acknowledgment as directed to the Japanese Government, on account of the humane treatment received by these American seamen at the hands of the subjects of said Government.

I have the honor to be, Sir,

Your obedient servant

Richard B Hubbard

Mr Everett
23

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED

No. 103.

United States Legation

Tokio Japan, January 22nd 1886,

Hon. Hubbard,

To the Secretary of State.

Subject.

Exequatur issued to Thomas R. Jernigan, Esq. as U. S. Consul at Hiogo and Osaka.

Noted
S.D.

No. 103. United States Legation.

Tokio, January 22nd, 1886.

Hon. Thomas F. Bayard,

Secretary of State.

Washington, D. C.

Sir:

Referring to your instruction No 33, which I had the honor to receive, and in compliance therewith, I requested of this Government through the Foreign Office, the necessary exequatur for Thomas R. Jernigan, Esqr., of North Carolina, as Consul of the United States, at Osaka and Hiogo, Japan, vice T. Isaac F. Patton, suspended.

I have this day received from the Japanese Government the

the said Exequatur and notified Mr. Jernigan, through the United States Consul at Kanakawa, of this fact.

Up to this date Mr. Jernigan has not arrived.

I have the honor to be,

Sir.

Your obedient servant.

Richard B. Hubbard

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED.

United States Legation
Tokio Japan, Jany 23, 1886.

Sir.

To the Secretary of State

Subject-

Account for Salary for the fourth quarter of the year ending December 31st 1885.

JM

United States Legation.

Tokio Japan, Jany 23, 1886.

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir.

I have the honor to enclose herewith my account for salary for the fourth quarter of the year ending December 31st 1885.

I have the honor to be

Sir

Your obedient servant

Edwin Dun

Second Secretary of Legation

Enclosure.

Account for Salary for 4th quarter 1885.

Mr Lowell 23

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED.

No. 104. Tender Dunwoody Feby 2nd Cir. Ltr.

United States Legation.
Tokio. Japan. January 23d 1886.

Mr. Hubbard.
To the Secretary of State.

Subject.

Enclosing letter to W. B. Dunwoody Esq.
transmitting reports on Cholera.

No. 104. United States Legation.

Tokio. Japan January 23d 1886.

Hon Thomas F. Bayard.

Secretary of State.

Washington. D. C.

Sir:

I have the honor to enclose herewith an open communication to W. B. Drunwoody, Esqre, Secretary of the National Board of Health, in answer to enquiries made by him upon the subject of Cholera, together with a series of reports under separate cover which together with said communication, I have the honor to transmit through your Department to the National Board of Health.

I have the honor to be

Sir.

Your

Your obedient servant

Richard B. Habbard

Enclosures

Letter to W. B. Dunwoody, Esq^re^ together with reports on Cholera under separate cover.

Copy

United States Legation
Tokio, Japan, January 21, 1886.

W. B. Dunwoody, Esq.,
Secretary of the National Board of Health,
Washington, D. C.

Sir:

In reply to your communication of Oct. 22, 1883, requesting me to furnish the Board with reports containing information as to the number of cases and deaths from contagious or infectious diseases in Japan during the past five years, &c.; and also desiring information particularly in respect to Cholera, and the statistics in relation thereto, I have to say that the enquiries were immediately referred to the proper authorities. In response I have received the papers specified in the enclosed list and a report on the Cholera which prevailed this last year, which I have the honor to transmit herewith, translated into English.

Several of these reports are in Japanese text and I regret that a want of time as well as interpreter prevent my enclosing translations.

I am, Sir, &c,
Richard B. Hubbard.

Translation

Sketch of an Epidemic of Cholera in 1885.

It is generally stated that a Cholera epidemic began August 23, 1885, in the harbor of Nagasaki, in the Province of Hizen, under the Government of the Nagasaki Ken. Several days before, however, the people of Kumamoto Ken, who came back from Nagasaki Harbor, were infected with Cholera. According to other reports it seems that there were persons infected with cholera in Nagasaki in July and early August. By comparison of telegrams, &c., Kumamoto Ken appe to have been the first place which was affected the spread of Cholera from Nagasaki, as above stat

In Hiogo Ken, it broke out in an American man-of-war ship, arrived from Nagasaki; but i limited to that ship with only one case, after whi it ceased entirely.

Although it broke out in many places in October, its causes are still uncertain.

In Kagoshima Ken, it broke out on the 30th of October. In Saga and Fukuoka Ken it broke out early in September. These are the localities which received directly the infection of Cholera from Nagasaki. In Osaka Fu, it is said that infection came by means of a ship

which

which visited Shinkawa in Hyogo on its way. It may be the case of an indirect introduction of Cholera from Nagasaki. In short the places visited by Cholera are as follows: in Nagasaki Ken, Nagasaki city and eight counties; in Kumamoto Ken, Kumamoto city and ten counties; in Kagoshima Ken, Kagoshima and ten other counties; in Fukuoka Ken, Fukuoka city and seven counties; in Saga Ken, Saga and four other counties; in Osaka Fu, Osaka and Sakai cities with two counties; and in Hiogo Ken, Kobe city and eleven counties. Although there were cases in other counties, there were only eight or nine persons and ceased entirely. The following table shows the extent of surface of several provinces where cholera epidemic occurred in this year (1883) according to the estimation of 1882. The exact extent of surface of the several counties and villages visited by cholera in 1883, can not yet be given, for reports have not yet been received from the provinces

Nagasaki	Ken	235.15
Kumamoto	"	465.47
Fukuoka	"	317.84
Kagoshima	"	602.31
Saga	"	160.08
Osaka	Fu	317.14
Hiogo	Ken	556.68
Total		2654.64

Note Ken ri equals about 2 1/2 miles linear measure

The last epidemic occurred in 1882.

Catalogue

The Record of an epidemic of Cholera in 1877. written in English 1 Vol.

The Record of an epidemic of Cholera in 1879 - written in English 1 Vol.

The Record of an epidemic of Cholera in 1882, together with an Appendix 2 Vols.

The Third Annual Report of the Sanitary Bureau in English 1 Vol.

Fourth Annual Report of the Sanitary Bureau in English 1 Vol.

Fifth Annual Report of the Sanitary Bureau 1 Vol

Sixth " " " " " 1 Vol

Seventh " " " " " 1 Vol

Eighth " " " " " 1 Vol

Sketch of an Epidemic of Cholera in 1883 Translation in English.

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED.

Mr Everts

No 105.

United States Legation
Tokio Japan, January 23, 1886.

Mr Hubbard
To the Secretary of State

Subject-
Mr Fukazawa and extract from the "Jiji Shimpo"

(Copied. February. 1886.)
7.

No. 105. United States Legation.

Tokio Japan, January 23, 1886.

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

I take much pleasure in enclosing herewith, for your careful attention and consideration, an interesting article from the native Japanese Press, ("The Jiji Shimpo") on the subject of our trade relations with Japan. The Editor and proprietor of this leading representative journal, Mr Fukuzawa, is one of the ablest men of this Empire, both in natural capacity and by culture. He writes and speaks the English language, and has been a close student and

practical

practical observer of political events
and institutions, and especially of
the United States. He is educating
his sons at our Universities, and
for many years has been a leader
in the political and educational
Evangelization of his native land.
He is Proprietor and President-
besides (and for many years also)
of one of the best Educational-
institutions of the Empire, and has
done as much or more for the intellectual develop-
-ment of this people, perhaps, than
any other one man, living or dead.
He has been repeatedly offered political
positions of distinction and emolument;
but has declined on the ground
that the field in which to cultivate
and advance the National Civilization
and

and dignify the National life, was through the proper Education of the young men and women of the Empire. in the school, the college, and through an Enlightened Press.

I have thus, somewhat at length, invited your attention to the history of this distinguished subject of Japan, because it serves to give importance and real interest to the thoughts which he ---- ~~~~~~~~~~ has uttered in his "Daily Journal" in connection with the relations of trade and Comity of the two Countries. I express the opinion, with deference, that the publication of the views of such a representative man, with the knowledge of his antecedents and his present position in this Country

Country as herein set forth, would be interesting and practically useful to the American people.

I hope that the State department will coincide in these opinions which I have the honor respectfully herewith to submit.

I have the honor to be

Sir

Your obedient servant

Richard B. Hubbard

Enclosure

Extract from the "Jiji Shimpo"

THE *Jiji Shimpo* has the following:—It is now several years since we first came into contact with the nations of the West. We were on the most friendly terms with the Dutch, for whom we opened the port of Nagasaki as a trading place. It was solely through our intimate relations with them that we were enabled at that time to obtain an idea of the state of the outer world, while as yet we were in a condition of the most complete seclusion, a certain number of Japanese of the higher classes being made acquainted through the Dutch books of what other countries were like. Thirty-two years ago, however, Commodore Perry entered the Bay of Yedo bearing a despatch from the United States Government and accompanied by several men-of-war; and he induced the Government of the Shogunate, then in power, sign to a treaty of friendship and commerce. Since then country after country has entered into treaty relations with us. Several ports in addition to Nagasaki were opened for foreign trade, and as our relations with foreign States became more intimate, some of us, observing that we were beings similar in most respects to our visitors, determined to go and see those other countries. Impressed in the most powerful way by what we saw in those distant lands, a desire to be like civilized nations took shape in our minds. All attention was at once bent on the work of preparation to set out on the new path. Since then improvements and reforms have been effected in every direction—in our political system; in our military organization; in science, arts, commerce, and in our various industries, —and as the result of the arduous labours of thirty years ago, the Japan of to-day has been produced. No other country in the East has been able to create, as the Japanese have done, a new country on the lines of Western civilization. That this country is advanced far beyond all the countries of the East is a fact which none would attempt to dispute; more than that, there is no country in the world, except some in Europe and America, to which we must largely yield in point of enlightenment and civilization. To the South American States even, peopled as they are by emigrants from the continent of Europe, there is assigned by universal consent a position in many respects below that which Japan, much to her honour, now occupies. When we remember that it is to the United States of America that we owe our success and our advancement to our present proud position, we cannot help entertaining for them sentiments of peculiarly deep respect and esteem. But the people of the United States have endeared themselves to us not merely by the circumstance that they were our leaders and guides in the work of thirty years ago, but also by the uniform mildness and justice of the treatment that we have received at their hands since that time—treatment which sufficiently convinces us that they are not a nation which desires to profit by the misfortunes of others. There has not come to our notice a single instance of the United States betraying an unreasonable spirit in dealing with this country. It is true that they had a share in the affair of the Shimonoseki indemnity, but, so soon as the Government of the United States became aware of the injustice of the transaction, they did not hesitate to correct their mistake by returning to us their share of the indemnity, an action which did not fail to affect the people of this country favourably towards them. We cannot forget either that the United States is our nearest civilized neighbour—a couple of weeks' sail alone separating the two countries. But in national intercourse it is not enough to entertain amicable and friendly feelings towards one another; we must mutually confer in one way or another solid and appreciable benefits. Commerce isthe chief means by which one country may gain advantages from its relations to another. The trade between Japan and the United States is represented by *yen* 15,600,000 per annum. This, to be sure, is no contemptible sum, and is certain to increase in the future. But even at the present time it would not be at all a difficult matter to increase the figure by two-fold, if a little more thought were employed. Of this total the export from Japan amounts to *yen* 13,100,000, nine-tenths of which consists of two articles—silk and tea—in the proportion of silk, *yen* 6,000,000, and tea *yen* 5,800,000. The export from the United States to this country is *yen* 2,500,000, of which seven-tenths is represented by petroleum (*yen* 1,800,000). The trade between the two countries is therefore made up at present of the exchange of three articles in the proportion of thirteen from this country to 2½ from the United States. Besides tea and silk various articles are required in American markets, such as minerals and manufactured goods, so that it should be quite easy to increase the exports from Japan. Further, a great many of our enterprising men have gone from Japan to the United States, and this also should operate in increasing the demand for Japanese goods, It is clear, therefore, that this trade has a hopeful prospect before it. On the other hand, the import to us from the United States consists almost solely of petroleum, and the total amount of this trade cannot be at all satisfactory to Americans. We are told that in the markets of South America the manufactured goods of the United States are to a very considerable extent driving out English stuffs; how is it, then, that Americans here do not think of entering into competition with the English? Again, we believe the Americans know that large quantities of German beer are exported to Japan. Athough the trade cannot amount to a very large sum, it is still to be regretted that the brewers of the United States should permit the Germans to monopolize the trade. Then, taking railways, it is generally admitted that the simple and convenient methods of railway construction obtaining in the States would be well adapted to Japan, but as yet no American has attempted to introduce the system here. It seems as if it would be an easy matter for the Americans to increase their exports, so as, at least, to balance their imports from this country. Desirous of preserving and perpetuating the friendship between the two nations, we call the attention of the Americans to the highly unsatisfactory condition of their commercial relations.

Enclosure No. 2 to dispatch
Agricultural
March 1886.
Cridler

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED.

Mr Everett
23

No. 106.

United States Legation.

Tokio Japan. January 23d 1886.

Mr. Hubbard.

To the Secretary of State.

Subject.

Transmitting Reports of the Department of Agriculture and Commerce.

No. 106. United States Legation

Tokio, Japan. January 23d 1886.

Hon. Thomas F. Bayard,

Secretary of State.

Washington, D. C.

Sir:

I have the honor to enclose herewith, for the information of the Department of State and also for the information of the Smithsonian Institute, ten reports, in duplicate, published by the Department of Agriculture and Commerce, during the year 1885.

A translation of the list of contents accompanies each number. No translation of the contents themselves appear for the reason that the force of the Legation

is

is inadequate for the preparation of such translations.

I have the honor to be.

Sir.

Your obedient servant.

Richard A. Hubbard

Enclosures.

Reports above mentioned under separate cover.

To Navy Dept. Health Feby 7th 86 Ans. Feb. 11

Mr Everett
23

DEPARTMENT OF STATE
FEB 18 1886
RECEIVED.

No 107.

United States Legation

Yokio Japan, January 23, 1886.

Mr Hubbard

To the Secretary of State

Subject

Mortality tables for the City of Yokio.

No 107. United States Legation

Tokio Japan, Jany 23, 1886

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

I have the honor to transmit herewith, for the information of the National Board of health, three several tables, in duplicate, showing the mortality in the city of Tokio, from the week ending August 29th to the week ending October 24th 1885; both inclusive.

I have the honor to be

Sir

Your obedient servant

Richard B Hubbard

Enclosures,

Tables as above mentioned.

TŌKYŌ-UF SANITARY OFFICE.

EKLY TABLE OF THE MORTALITY IN TŌKYŌ.

CAUSE OF DEATH.	Weeks Ending Oct. 10th	17th Oct.	24th Oct.				
noid	15	6	7	Inflammation of Bone Marrow			
tive Typhus				Caries of Bone			1
ntery	1			Necrosis of Bone			
ic Cholera	1	6	5	Abscess of Joint			
theria	0	2	1	Injuries to Bone			
p	5	6	9	Mollities Ossium			
l-pox	1	2	1	Pericarditis			2
les				Dilatation and Hypertrophy of the Heart	1	1	3
et Fever				Endocarditis	7	2	6
e	8	14	14	Affections of the Valves	3	2	8
eral Fever	2	1	3	Myo-carditis			
pelas	0	1	2	Paralysis of the Heart	0	1	1
nia	2	0		Fatty Degeneration of Heart			
æmia				Diseases of Artery	1		
ping Cough				Diseases of Vein			
peral Fever	1	1	1	Meningitis	38	36	36
mic Parotitis				Hydrocephalus	7	4	6
mant Inflammation of Salivary Glands				Cerebritis	3	6	1
mic Cerebro-meningitis				Apoplexy	26	29	33
matism	2	3	1	Cerebral Thrombosis	1		
rrhœa				Cerebral Paralysis			1
lis	22	10	14	Cerebral Anæmia		3	
				Cerebral Hyperæmia	1	3	3
re				Mania	2		3
phobia				Myelitis	1		
mant Pustule (Charbon)				Spinal Meningitis	1	2	1
ers and Farcy (Equinia)				Wasting Disease of Spinal Cord	1		2
nstruction of the Body				Spinal Paralysis			
ive Development	19	15	15	Hypochondriasis	5	1	2
Disease				Infantile Convulsions			
la	2	1	2	Convulsion of Children	39	39	41
s				Hysteria	1	1	1
				Epilepsy			
y				Chorea			
sarca	22	13	14	Tetanus	6	13	13
es Mellitus				Affections of Ears			
es Insipidus				Affections of Eyes			
ene				Laryngitis	1	2	1
and Abscess	4	9	9	Laryngo-Tracheal Phthisis			
trition				Dilatation of Bronchi			
a	3	1		Bronchitis	17	11	11
				Capillary Bronchitis	2	4	1
sis				Pneumonia	20	17	17
ythæmia				Phthisis	42	31	41
decay	24	17	26	Hæmoptysis	1	1	
nous Abscess				Emphysema of the Lungs	5	1	2
ocele				Asthma	6	5	5
ant Pustule	1			Atelectasis of the Lungs	4	10	6
ant Eruptions	2	1	1	Gangrene of the Lungs	2		
	1		1	Paralysis of Lung			
nation of Muscle				Œdema of Lung			1
nation of Lymphatics				Pleuritis	3	2	5
ns of the Umbilicus	1	2		Hydrothorax			
sive Muscular Atrophy				Diseases of the Mouth and Tongue	6	1	3
nation of Bone and Joint	1			Diseases of the Parotid Glands			
				Affection of Œsophagus	1	1	2
tis				Peritonitis	4	8	7
				Abscess in Hypochondrium			
				Round Worms	5	5	3
				Ascites	6	2	3
				Hernia			
				Intestinal Obstruction			
				Gastric Catarrh	55	50	49
				Gastric Ulceration	2	2	
				Contraction of Stomach			
				Dilatation of Stomach	1	3	

Gastralgia			
Hæmatemesis	1	1	
Intestinal Hæmorrhage			1
Intestinal Catarrh	31	27	23
Acute Gastro-Enteric Catarrh	10	9	4
Chronic Gastro-Enteric Catarrh	14	13	16
Perityphlitis			
Colic	1	1	1
Intestinal Phthisis		2	2
Tabes Mesenterica	15	21	12
Splenic Affections			
Biliary Calculi			
Jaundice		1	
Acute Hepatitis			
Chronic Hepatitis	5	5	1
Urethral Inflammation and Cystitis			
Stone in Bladder			
Stricture of Urethra			
Uræmia			
Orchitis			
Renal Congestion			
Bright's Disease	1	2	4
Vaginal Catarrh			
Endometritis	10	1	5
Prolapse of the Uterus			
Uterine Hæmorrhage			1
Uterine Spasm	3	2	
Ovarian Tumour	1		1
Burns	1	1	
Frost-Bite			
Lightning-Stroke			
Explosion			
Deaths from Compression or from Accident			
Gunshot Wounds			
Incision — Contusion		1	
Punctured Wounds			
Bites			
Suffocation			
Hanging	1		2
Death by Strangulation			
Drowning	6	3	2
Suicide			
Poisoning			1
Unknown Disease			
Total	340	304	329
By the Sex—Males	309	260	294
" " —Females	275	244	235
By age—Below 1 year	129	112	121
" Between 1 and 2 years	26	31	20
" " 2 " 5 "	39	39	40
" " 5 " 10 "	22	20	24
" " 10 " 15 "	10	6	13
" " 15 " 20 "	14	19	22
" " 20 " 30 "	46	36	43
" " 30 " 40 "	50	41	43
" " 40 " 50 "	56	39	40
" " 50 " 60 "	57	52	60
" " 60 " 70 "	63	57	49
" " 70 " 80 "	51	40	43
" " 80 " 90 "	13	9	11
" " 90 " 100 "	1	1	
Unknown above 100 "	1		
Death Rate per 1,000	47	41	43
Number of still-births reported	105	66	65
Population, Jan. 1st, 1885		1231,562	

TŌKYŌ-UF SANITARY OFFICE.

EEKLY TABLE OF THE MORTALITY IN TŌKYŌ

CAUSE OF DEATH.	Week Ending Sep. 19th	Sep. 26th	Oct. 3rd
hoid	6	6	13
ptive Typhus	1	0	0
ntery	0	0	0
tic Cholera	3	4	2
theria	4	0	1
p	3	5	7
ll-pox	0	2	2
sles	0	0	0
let Fever	0	0	0
e	25	39	23
mittent Fever	2	4	1
ipelas	2	1	0
mia	1	1	0
icæmia	0	1	0
oping Cough	1	0	0
peral Fever	1	0	0
emic Parotitis	0	0	0
gnant Inflammation of Salivary Glands	0	0	0
emic Cerebro-meningitis	0	0	0
matism	2	0	6
rrhœa	0	0	1
ilis	20	14	20
	0	0	0
cre	0	0	0
ophobia	0	0	0
gnant Pustule (Charbon)	0	0	0
ders and Farcy (Equinia)	0	0	0
onstruction of the Body	0	0	0
tive Development	15	14	15
al Disease	0	0	0
ula	4	0	3
ts	1	2	0
	0	3	0
sy	1	0	0
osarca	14	22	25
tes Mellitus	0	0	0
tes Insipidus	0	0	0
rene	0	0	0
r and Abscess	5	6	9
ntrition	0	0	0
nia	3	0	1
y	0	1	0
osis	0	0	1
cythæmia	0	0	0
decay	30	14	38
inous Abscess	0	0	0
hocele	0	0	0
nant Pustule	0	1	0
nant Eruptions	1	2	2
es	2	4	1
mation of Muscle	0	0	0
mation of Lymphatics	0	0	0
ions of the Umbilicus	2	0	2
essive Muscular Atrophy	0	0	0
mation of Bone and Joint	0	0	0
	0	0	0
titis	0	0	0

CAUSE OF DEATH.	Week Ending Sep. 19th	Sep. 26th	Oct. 3rd
Inflammation of Bone Marrow	1	0	0
Caries of Bone	3	2	0
Necrosis of Bone	1	0	0
Abscess of Joint	0	0	0
Injuries to Bone	1	0	0
Mollities Ossium	0	0	0
Pericarditis	3	0	0
Dilatation and Hypertrophy of the Heart	3	1	1
Endocarditis	0	7	5
Affections of the Valves	7	6	6
Myo-carditis	0	0	0
Paralysis of the Heart	0	0	1
Fatty Degeneration of Heart	1	0	0
Diseases of Artery	0	0	1
Diseases of Vein	0	0	0
Meningitis	52	47	50
Hydrocephalus	6	4	4
Cerebritis	4	3	5
Apoplexy	40	35	33
Cerebral Thrombosis	0	2	0
Cerebral Paralysis	0	2	0
Cerebral Anæmia	2	3	1
Cerebral Hyperæmia	4	4	2
Mania	3	4	1
Myelitis	3	0	1
Spinal Meningitis	1	2	1
Wasting Disease of Spinal Cord	1	1	0
Spinal Paralysis	0	1	0
Hypochondriasis	1	4	1
Infantile Convulsions	0	4	0
Convulsion of Children	53	46	45
Hysteria	0	3	5
Epilepsy	1	0	0
Chorea	0	0	0
Tetanus	15	11	14
Affections of Ears	0	0	0
Affections of Eyes	0	0	0
Laryngitis	2	2	4
Laryngo-Tracheal Phthisis	0	0	0
Dilatation of Bronchi	0	0	0
Bronchitis	19	20	14
Capillary Bronchitis	2	2	0
Pneumonia	19	16	23
Phthisis	42	32	41
Hæmoptysis	0	2	1
Emphysema of the Lungs	0	0	1
Asthma	4	6	2
Atelectasis of the Lungs	1	2	5
Gangrene of the Lungs	0	0	1
Paralysis of Lung	0	0	0
Œdema of Lung	0	0	1
Pleuritis	4	2	5
Hydrothorax	1	0	1
Diseases of the Mouth and Tongue	1	3	2
Diseases of the Parotid Glands	0	0	0
Affection of Œsophagus	1	2	0
Peritonitis	7	10	9
Abscess in Hypochondrium	0	1	0
Round Worms	2	1	5
Ascites	9	10	7
Hernia	0	0	0
Intestinal Obstruction	0	0	0
Gastric Catarrh	52	50	50
Gastric Ulceration	3	4	3
Contraction of Stomach	0	0	0
Dilatation of Stomach	0	1	0

Gastralgia	0	0	0
Hæmatemesis	0	0	0
Intestinal Hæmorrhage	0	0	0
Diarrhœa			
Intestinal Catarrh	36	37	67
Acute Gastro-Enteric Catarrh	9	7	9
Chronic Gastro-Enteric Catarrh	16	14	11
Perityphlitis	2	0	1
Colic	0	1	1
Intestinal Phthisis	2	1	0
Tabes Mesenterica	26	14	17
Splenic Affections	0	0	0
Biliary Calculi	0	0	1
Jaundice	2	1	1
Acute Hepatitis	0	0	0
Chronic Hepatitis	6	4	6
Urethral Inflammation and Cystitis	1	0	0
Stone in Bladder	0	0	0
Stricture of Urethra	0	0	0
Uræmia	0	0	0
Orchitis	0	0	1
Renal Congestion	0	0	0
Bright's Disease	5	5	3
Vaginal Catarrh	5	0	5
Endometritis	6	5	0
Prolapse of the Uterus	0	0	2
Uterine Hæmorrhage	1	1	
Uterine Spasm	2	2	1
Ovarian Tumour	1	1	1
Burns	0	1	0
Frost-Bite	0	0	0
Lightning-Stroke	0	0	0
Explosion	0	0	0
Deaths from Compression or from Accident	0	0	0
Gunshot Wounds	0	0	0
Incision			
Contusion	1	0	0
Punctured Wounds	0	0	0
Bites	0	0	0
Suffocation	0	0	0
Hanging	2	2	2
Death by Strangulation	0	0	0
Drowning	3	4	6
Suicide	0	0	0
Poisoning	1	0	0
Unknown Disease	1	0	0
Total	667	618	618
By the Sex—Males	354	339	348
" " —Females	313	279	270
By age—Below 1 year	170	146	142
" Between 1 and 2 years	29	22	21
" " 2 " 5 "	55	52	64
" " 5 " 10 "	28	19	22
" " 10 " 15 "	16	12	12
" " 15 " 20 "	30	33	20
" " 20 " 30 "	44	40	47
" " 30 " 40 "	49	53	44
" " 40 " 50 "	72	54	44
" " 50 " 60 "	64	63	82
" " 60 " 70 "	65	50	53
" " 70 " 80 "	52	46	46
" " 80 " 90 "	16	10	17
" " 90 " 100 "	0	0	2
Unknown	0	0	0
Death Rate per 1,000	50	50	50
Number of still-births reported	72	64	64
Population, Jan. 1st, 1885		1,231	1,562

TŌKYŌ-FU SANITARY OFFICE.

EEKLY TABLE OF THE MORTALITY IN TŌKYŌ.

CAUSE OF DEATH.	Week ending Aug. 29th.	Sep. 5th.	Sep. 12th.
hoid	1	2	9
tive Typhus	0	0	0
ntery	0	0	0
tic Cholera	4	4	3
theria	1	2	1
p	1	3	2
l-pox	1	1	1
les	0	0	1
et Fever	0	0	0
te	55	41	35
Intermittent Fever	1	3	1
ipelas	0	1	0
mia	0	1	1
cæmia	1	0	0
oping Cough	1	1	0
peral Fever	1	2	2
emic Parotitis	0	0	0
gnant Inflammation of Salivary Glands	0	0	0
emic Cerebro-meningitis	0	0	0
matism	2	0	4
rrhœa	0	0	0
ilis	26	29	27
	0	0	0
cre	0	0	0
ophobia	0	0	0
gnant Pustule (Charbon)	0	0	0
lers and Farcy (Equinia)	0	0	0
nstruction of the Body	0	0	0
tive Development	13	20	22
l Disease	0	0	0
nla	1	5	0
ts	0	0	0
	0	0	2
sy	0	0	0
osarca	31	25	29
tes Mellitus	0	1	0
tes Insipidus	0	0	0
rene	0	1	0
r and Abscess	13	11	4
trition	0	0	0
ia	1	2	2
y	1	0	0
osis	0	0	0
cythæmia	0	0	0
decay	31	29	33
inous Abscess	0	0	0
nocele	0	0	0
gnant Pustule	1	1	0
gnant Eruptions	0	0	3
s	1	1	0
mation of Muscle	0	0	0
mation of Lymphatics	0	0	0
ons of the Umbilicus	0	0	1
ssive Muscular Atrophy	0	0	0
mation of Bone and Joint	0	0	1
	0	0	0
itis	1	0	1

Inflammation of Bone Marrow	0	0	0
Caries of Bone	0	0	1
Necrosis of Bone	1	0	0
Abscess of Joint	1	0	0
Injuries to Bone	0	0	1
Mollities Ossium	0	0	0
Pericarditis	4	2	2
Dilatation and Hypertrophy of the Heart	2	4	0
Endocarditis	9	3	3
Affections of the Valves	6	3	4
Myo-carditis	0	2	0
Paralysis of the Heart	2	0	1
Fatty Degeneration of Heart	0	1	1
Diseases of Artery	0	1	0
Diseases of Vein	0	0	1
Meningitis	44	44	54
Hydrocephalus	7	7	5
Cerebritis	7	7	6
Apoplexy	34	45	42
Cerebral Thrombosis	0	0	0
Cerebral Paralysis	0	0	1
Cerebral Anæmia	2	2	3
Cerebral Hyperæmia	5	4	5
Mania	8	5	5
Myelitis	0	3	0
Spinal Meningitis	3	1	1
Wasting Disease of Spinal Cord	1	3	0
Spinal Paralysis	0	3	0
Hypochondriasis	3	2	3
Infantile Convulsions	0	0	0
Convulsion of Children	92	67	55
Hysteria	3	3	3
Epilepsy	0	1	1
Chorea	0	0	0
Tetanus	10	13	7
Affections of Ears	0	0	0
Affections of Eyes	0	0	0
Laryngitis	3	0	0
Laryngo-Tracheal Phthisis	0	0	0
Dilatation of Bronchi	0	1	0
Bronchitis	24	14	14
Capillary Bronchitis	2	3	1
Pneumonia	25	20	23
Phthisis	40	36	40
Hæmoptysis	1	0	1
Emphysema of the Lungs	2	0	3
Asthma	6	2	1
Atelectasis of the Lungs	2	5	0
Gangrene of the Lungs	2	1	0
Paralysis of Lung	0	0	0
Œdema of Lung	0	1	0
Pleuritis	4	4	2
Hydrothorax	0	2	0
Diseases of the Mouth and Tongue	2	3	2
Diseases of the Parotid Glands	0	0	0
Affection of Œsophagus	0	4	0
Peritonitis	4	7	3
Abscess in Hypochondrium	7	0	3
Round Worms	0	3	0
Ascites	3	3	6
Hernia	7	0	3
Intestinal Obstruction	0	0	0
Gastric Catarrh	5	4	4
Gastric Ulceration	3	7	1
Contraction of Stomach	0	0	1
Dilatation of Stomach	0	2	1

Gastralgia	0	0	1
Hæmatemesis	1	0	2
Intestinal Hæmorrhage	0	1	0
Diarrhœa	2		0
Intestinal Catarrh	53	48	32
Acute Gastro-Enteric Catarrh	21	17	17
Chronic Gastro-Enteric Catarrh	23	21	16
Perityphlitis	1	0	2
Colic	0	1	0
Intestinal Phthisis	1	2	1
Tabes Mesenterica	20	16	24
Splenic Affections	0	0	0
Biliary Calculi	0	0	0
Jaundice	0	0	1
Acute Hepatitis	0	0	0
Chronic Hepatitis	6	5	3
Urethral Inflammation and Cystitis	2	1	3
Stone in Bladder	0	0	0
Stricture of Urethra	0	0	1
Uræmia	0	1	0
Orchitis	0	1	0
Renal Congestion	0	0	0
Bright's Disease	4	6	4
Vaginal Catarrh	0	0	0
Endometritis	6	5	6
Prolapse of the Uterus	0	0	0
Uterine Hæmorrhage	1	2	2
Uterine Spasm	0	0	0
Ovarian Tumour	0	1	3
Burns	5	1	0
Frost-Bite	0	0	0
Lightning-Stroke	0	0	0
Explosion	0	0	0
Deaths from Compression or from Accident	0	0	0
Gunshot Wounds	0	0	0
Incision			
Contusion	0	1	0
Punctured Wounds	0	1	0
Bites	1	0	0
Suffocation	0	1	0
Hanging	1	3	0
Death by Strangulation	1	0	0
Drowning	7	11	6
Suicide	0	0	0
Poisoning	0	0	0
Unknown Disease	1	0	1
Total	641	785	701
By the Sex—Males	273	430	372
" " —Females	368	353	329
By age—Below 1 year	241	217	158
" Between 1 and 2 years	36	40	32
" " 2 " 5 "	62	63	47
" " 5 " 10 "	22	21	19
" " 10 " 15 "	9	20	18
" " 15 " 20 "	25	30	31
" " 20 " 30 "	68	72	63
" " 30 " 40 "	67	60	56
" " 40 " 50 "	74	46	51
" " 50 " 60 "	74	77	62
" " 60 " 70 "	75	64	73
" " 70 " 80 "	64	52	69
" " 80 " 90 "	21	16	15
" " 90 " 100 "	3	1	1
Unknown	0	0	1
Death Rate per 1,000	64	69	57
Number of still-births reported	64	92	60
Population, Jan. 1st, 1885		1,231	1,462

[Japan.] Consular Mr. Heckhaefer
Cadiz
ans'd. Feby 5, 1886.

January 26. 1886.

DEPARTMENT OF STATE
JAN 29 1886
RECEIVED.

Hon. Thomas F. Bayard.
Secretary of State
Washington D. C.

Sir: Adverting to my letter dated the 21st of September last enclosing my accounts with duplicate vouchers for loss by Exchange on my Salary Drafts from January 1. 1880 to June 30, 1884 amounting in gross to $1295.91, I beg to acquaint you that I am in receipt of a letter addressed to me by the Fifth Auditor of the Treasury Department of date the 16th of December last informing me that "(your) (my) accounts "for loss by Exchange on Salary drafts "from January 1. 1880 to June 30, 1884 "have been adjusted in this the "Auditor's) office and transmitted "to the First Comptroller for his decision "thereon", and that I am also in receipt of a letter addressed me by the First Comptroller of the Treasury Department dated January 21st 1886, (a copy of which letter is herewith) advising me that my account for loss by Exchange on my Salary drafts from July 1. 1883

to —

"to June 30. 1884 allowed by the Department
"of State has been adjusted ×× and a balance
"found due to me from the United
"States of $395.22 for which sum" I
am further advised I am "at liberty
"to draw on the Secretary of State

Upon the authority thus given me
by the letter of the First Comptroller
I have drawn my Bill on your
of Current Date herewith payable
to the order of Joel Shuman, Cash
for said sum of $395.22 on account
of loss by Exchange on my Salary
Drafts from July 1. 1883 to June 30
1884.

In view of the facts as above stated
by the Fifth Auditor that my "account
"for loss by Exchange on my Salary
"Drafts from January 1. 1880 to June
"30, 1884 have been adjusted in the
"(his) office and transmitted to the
"First Comptroller of the Treasury
"for his decision thereon," I infer
that my entire accounts aforesaid
were allowed by the Department
of State and that the Honorable
First Comptroller has further
letter only authorized me to draw
for

for last by Exchange on my said accounts as rendered from July 1. 1883 to June 30-1884 for the said reason that there is at present no appropriation available for the payment of the balance of my said accounts for last by Exchange on my Salary drafts from January 1. 1880 to June 30-1883- and which balance has remained & remaining unpaid accounts to the sum of $900.69/100.

I beg leave most respectfully to request that I may be informed in relation to said unpaid balance of $900.69/100 due me on my accounts for last by Exchange on my Salary drafts from January 1. 1880 to June 30, 1883.

I have the honor to be
for with great respect
Your obt. Servant
Jno C Bingham
late U.S. Minister
to Japan

Enclosure 1.

Copy of letter of First Comptroller
to Mr Bingham dated Jany 21. 1886

Mr Burlingame
to
The Honorable
Secretary of State

Subject account
for Salary & Mileage
as Minister Resident
from Jany 1. 1880
to June 30. 1884
&c.

Enclosure 1. Mr Dierhorn
to
Mr Bingham

Copy

Treasury Department
First Comptroller's Office
Washington D.C. January 21st 1886.

Hon J.A. Bingham
with the Minister to Japan
Care Department of State
Sir: Your account of "Loss by
Exchange" on your salary
drafts from July 1. 1883 to
June 30. 1884 allowed by the
Department of State has been ad-
justed per Report No 10949, and
a balance found due to you
from the United States of $395.22
for which sum you are at
liberty to draw on the Secretary
of State referring to this letter
as your authority.

I am very respectfully

Signed M. J. Dierhorn
First Comptroller

By J R Garretson
Deputy First Comptroller

Mr Everett

DEPARTMENT OF STATE
MAR 3 1886
RECEIVED.

No.

United States Legation,
Tokio, Japan, January 26th 1886.

Mr. Goward.
To the Secretary of State.

Subject.

Duplicate salary account for the quarter ending December 31st 1885.

JM

No. — United States Legation.

Tokio Japan. January 26th 1886.

Hon. Thomas F. Bayard

Secretary of State.

Washington. D. C.

Sir:

I have the honor to enclose herewith my duplicate account for salary for the quarter ending December 31st, 1885.

I have the honor to be.

Sir,

Your obedient servant,

Gustavus Goward

Secretary of Legation.

DEPARTMENT OF STATE
JUL 6 1886
RECEIVED.

United States Legation.
Tokei, Japan, January 31st 1886

Hon. Gustavus Goward.
To the Secretary of State.

Subject.
Account for salary for the fractional quarter ending January 31st 1886.

United States Legation.

Tokei, Japan, January 31st 1886.

Hon Thomas F. Bayard.

Secretary of State.

Washington, D. C.

Sir:

I have the honor to enclose herewith my account for salary for the fractional quarter ending January 31st 1886. being a period of thirty one days - for which I have drawn on Morton Rose Theo. bankers, London.

I have the honor to be,

Sir,

Your obedient servant.

Gustavus Goward

Secretary of Legation.

DEPARTMENT OF STATE
JUL 26 1886
RECEIVED.

Legation of the United States.

Tokei, Japan, January 31st 1886.

Mr Gustavus Goward.

To the Secretary of State.

Subject.

Duplicate statement of account for salary for the fractional quarter ending January 31st 1886.

Legation of the United States.

Tokei, Japan. January 31st 1886.

Hon. Thomas F. Bayard.

Secretary of State.

Washington. D. C.

Sir:

I have the honor to enclose herewith a duplicate statement of my salary account for the fractional quarter ending January 31st 1886.

I have the honor to be,

Sir,

Your obedient servant.

Gustavus Goward.

Secretary of Legation

DEPARTMENT OF STATE
MAR 3 1886
RECEIVED.

Mr Lowe

United States Legation
Tokio Japan Feby 1st 1886.

Mr Dun

To the Secretary of State

Subject-

Duplicate account for Salary for the quarter ending Dec, 31st 1886.

JM

United States Legation.

Yokio Japan, Feby 1st 1886.

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

I have the honor to enclose herewith, duplicate of my account for Salary for the quarter ending December 31st 1885.

I have the honor to be

Sir

Your obedient-servant

Edwin Dun

Second Secretary of Legation.

Enclosure

Duplicate account for Salary

file

DEPARTMENT OF STATE
MAR 3 1886
RECEIVED

W. Everett
3

No. 108

United States Legation
Tokio Japan, Feby 1st 1886

Mr Habbard

To the Secretary of State

Subject-

Receipt of instructions.

No. 108 United States Legation

Tokio Japan Feby 1st 1886.

Hon Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

I have the honor to acknowledge the receipt of Your instructions Numbered respectively 35, 36, and 37.

I have the honor to be

Sir

Your obedient servant;

Richard B. Hubbard

file

DEPARTMENT OF STATE
MAR 3 1886
RECEIVED.

Dispatches
3

No. 109.

United States Legation
Tokio Japan, Feby 1st 1886.

Mr Hubbard
To the Secretary of State

Subject:
Mr Mansfields arrival, and
assignment to duty.

No. 109. United States Legation.

Tokio Japan, Feby 1st 1886.

Hon Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

I have the honor to announce the safe arrival at this Legation of F. A. Mansfield Esq, Secretary of Legation in Japan, who reported and was assigned to duty this day in accordance with the terms and authority of his Commission

I have the honor to be

Sir

Your obedient-servant;

Richard B. Hubbard

Wm Everett
19

Action as per acct. note.

DEPARTMENT OF STATE
MAR 3 1886
RECEIVED.

acctd. March 19 86
Taulbee
No 110.

United States Legation
Yokio Japan, Feby 1st 1886.

Wm Hubbard
To the Secretary of State

Subject:-

Duplicate accounts for Salary and Contingent Expenses for the quarter Ending Dec 31st 1885.

No. 110. United States Legation

Tokio Japan, Feby 1st 1884.

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

I have the honor to enclose herewith duplicates of my accounts for Salary and for Contingent expenses for the quarter ending December 31st 1883.

I have the honor to be

Sir

Your obedient Servant

Richard B. Hubbard

Enclosures—

Accounts, above mentioned.

Three copies to Library of Congress - March 17/86 cirlr.

No. 111. Acted. Mch 13/86 cirlr.

Three copies deposited in dept Library - March 12/86 cirlr.

DEPARTMENT OF STATE
MAR 3 1886
RECEIVED.

Mr Everett
3

United States Legation

Tokio Japan, Feby 1st 1886.

Mr Hubbard

To the Secretary of State

Subject:

Transmitting Copies of the "Tokio Independent":

journal may be relied on as a valuable and to all endeavors to further and promote American Commerce, and American interests generally in Japan. Its issue is Cause for Congratulation.

I have the honor to be

Sir

Your obedient servant

Richard B. Hubbard

Enclosure. - Separate Copies of "Tokio Independent" as above.

DEPARTMENT OF STATE
MAR 2 1886
RECEIVED.

No. Everett

United States Legation
Tokei Japan 2nd Feb 1886

Mr Mansfield
To The Secretary of State

Subject:
Account for transit Salary

United States Legation
Tokei Japan Feb 2nd 1886

Hon Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to
enclose herewith my ac
count for salary for time,
Thirty Days, actually and
necessarily occupied in
making transit, viz, from
January 1st 1886 to Jany 31st 1886,
between my place of resi
dence at Tyler Texas and
my post of duty at
Tokei Japan.

I

I have the honor to be,

Sir,

Your Obedient Servant

Frederick S Mansfield

Secretary of Legation in Japan

Enclosure: Account for salary

while in transit

FM

Filed by Mr Hubbard
One copy to Treasury
March 3. 1886
C.W.S.

DEPARTMENT OF STATE
MAR 2 1886
RECEIVED.

Mr Everett
4

No 112

United States Legation
Tokio Japan Feby. 3-1886.

Mr Hubbard,
To The Secretary of State,

Subject:
Monthly Return of Foreign
Trade of The Empire of Japan

Enclosure with Bureau of Statistics.
4

No 112

U.S. Legation

Tokio Japan Feb 3-1886

Hon Thomas F. Bayard,

Secretary of State,

Washington,

Sir,

I have the honor herewith to transmit, for the use of your department, and the Secretary of the Treasury, two copies of the "Monthly Return of the Foreign Trade of the Empire of Japan", published by the First Division of the Board of Revenue, for the month of November 1885.

I have the honor to be,

Sir,

Your

Your Obedient Servant

Richard P. Hubbard

Enclosure - Separate: As above

DEPARTMENT OF STATE
MAR 2 1886
RECEIVED.

No 113
To Mr. Hubbard
May 8, 1886
Cipher.

Mr Everett

United States Legation
Tokio Japan Feb 6-1886

Mr Hubbard,

To The Secretary of State.

Subject:
The "Monitor Claim"

No 113 United States Legation

Tokio Japan Feb 6 1886

Hon Thomas F Bayard

Secretary of State

Washington

Sir,

I have the honor to acknowledge Instruction No 37 (from Hon J. C. Porter assistant Secretary of State) relating to the "Monitor Claim". I had, it affords me pleasure to say, anticipated the suggestion of the Assistant Secretary of State, and had already respectfully submitted and reiterated, in extenso, the reasons which have induced my

Gverment

Government to direct me to present said claim, and submitting that an arbitration to determine the measure of damages — on an inquiry by the Japanese Government — was desired by my Government. I have, in so doing, recited the history of the claim, as far as the records of this Legation discloses that history, and also furnished the Japanese Foreign Office copies of the Memorial, and accompanying Documents of Evidence forwarded to me, — reserving, of course, such portions as were designed for the use and eye of the Minister

Minister alone

I shall await the answer and decision of His Excellency, the Minister for Foreign Affairs, when I shall have the honor to transmit the same to my Government, together with the entire correspondence (if deemed then necessary) between the United States Ministers, and this Government in regard to the Monitor Claim.

I have the honor to be,

Sir,

Your Obedient Servant

Richard B. Hubbard

file

DEPARTMENT OF STATE
MAR 2 1886
RECEIVED.

No 114 Mr Everett

United States Legation

Tokio Japan Feb 8th 1886

Mr Hubbard

To the Secretary of State

Subject:

The thanks of the Japanese Government to Captain of american Ship "Sachem", for rescuing Japanese Sailors.

5

No. 114.

United States Legation
To Kio Japan Feb 8th 1886

Hon Thomas F. Bayard,
Secretary of State,
Washington.

Sir,

I have the honor herewith
to enclose copy of a Despatch
of Feby 1st Instant from His
Excellency H.I.J.M.'s Minister
for Foreign Affairs express-
ing the gratifying acknowl-
edgement for the humane and
generous services rendered to
certain Japanese subjects in
distress, by the Captain of
the good American Ship
Ship

Ship "Sachem". In acknowledging the receipt of said Despatch I took occasion to express my own gratification at the appreciation of this act of American Seamen, and especially as it had often been preceded by similar acts of Japanese officers and subjects toward our own countrymen on sea and shore. I had great pleasure through the Consul General of the United States at Kanagawa in conveying to the Captain of the "Sachem" the thanks of the Japanese Government as requested.

I have the honor to be,

Sir,

Sir

Sir,

Your Obedient Servant

Richard R. Hubbard

Enclosure: Translation copy
of Count Inouye Kaoru's Despatch
expressing thanks as above.

Enclosure No 1 With Mr Hubbards No. 114

Translation Copy

Department of State
For Foreign affairs
Tokio Febry 1886

His Excellency,
Richard B. Hubbard
Envoy Extraordinary and
Minister Plenipotentiary
of the United States of America
Sir:

I am in receipt of a communication from the proper authorities, stating that Nishi Yonetaro, of the Hirumi class and resident at No 70 Shiodo nomura, Minamie Muragori, Ki Province, Miye Prefecture, and four others who embarked on

on the Japanese Junk Kosei
maru, and left Tokio on the
10th Ultimo were pur-
suing their voyage to the
above named place and were
overtaken by a storm when
off Kameshima, Mikawa
Province, Aichi Prefecture,
during which their vessell
was nearly destroyed after b
coming disabled and drift
ing for three days; that
while they were in this state
of extreme danger about 5o'
clock in the afternoon of the
17th ultimo they came
across the American sailing
vessell "Sachem", which was
bound to Yokohama; and
that

that they were saved by this vessell and safely arrived at that port on the 20th, at 2 oclock A.M.

I gratefully acknowledge the services thus rendered by the Captain and crew of the "Sachem" and also the kind treatment which they extended to the sufferers on board the vessell named; and I beg that Your Excellency will be so good as to convey my thanks to the Captain.

I avail my self of this occasion to renew to your Excellency the assurances of my highest consideration.

Count Inouye Kaoru

H.I.J.M.'s Minister for Foreign affairs

Send if possible.

accept
March 11 1886.
Asst Sec'y

DEPARTMENT OF STATE
MAR 2 1886
RECEIVED.

No 115

Mr Everett
3

Acknowledgement of R.S.
Volumes 18-23 inclusive.
ordered sent.
11. March/86.
F.B.Y.

United States Legation
Tokio Japan Feb 8-1886

Mr Hubbard

To The Secretary of State

Subject:

"United States Statutes at Large"
"Foreign Relations of the United State"
Volumes Wanted -

No 115 United States Legation

Tokio Japan Feb 8 1886

Hon Thomas F. Bayard,

Secretary of State,

Washington,

Sir,

There are in the library of the United States Legation here, all the volumes of the "United States Statutes at Large", down to, and including the 17th Volume. Since then, we have received no volumes of these Statutes. There are no annual (Pamphlet) copies, here, of the Statutes enacted by the different Sessions of the Congress of

of the United States since 1872-3. This brings an "Extraterritorial" Country, and the United States Minister (as well as Consuls) exercising certain judicial powers; it is unnecessary to submit any reasons why, if possible, these Statutes at Large should be supplied to this Legation. I shall be obliged if the request can be granted. We have here in the library, the "Revised Statutes of the United States" reprinted under the administration of your honorable predecessor (Mr Evarts) including the Statutes revised down to and inclusive of

of 1878. The Revised Statutes for eight years past are not in this Library. I shall likewise be obliged for these Statutes - coming down to the latest dates, "The Foreign Relations of the United States," - containing the Diplomatic correspondence, we have received for 1883, but no later Volume. The mere Statement of these facts, I am confident, is sufficient to ensure a ready compliance with the request to supply the want, without any other suggestion in the premises.

I have the honor to be

Sir

Your Obedient Servant

Richard B. Hubbard

DEPARTMENT OF STATE
MAR 17 1886
RECEIVED.

Refers to Com. of Agriculture March 18 1886 Editor.

No 116

Mr Everett 18

United States Legation

Tokio Japan Feb 12 1886

Mr Hubbard

To The Secretary of State

Subject:

Enclose copies Reports Published by Department of Agriculture and Commerce

No 116 United States Legation
Tokio Feb 12 - 1886

Hon Thomas F. Bayard
Secretary of State
Washington

Sir,

I have the honor to transmit herewith for the information of the Department of State, and also for the information of the "Smithsonian Institute" report and duplicate published by the Department of Agriculture and Commerce for the month of January 1886. A translation of the list of Contents accompanies

accompanies each number
In translation of the Con-
[redacted]ts themselves appear for
the reason that the force
of the Legation is inade-
quate for the preparation
of such translations

I have the honor to be,
Sir,
Your Obedient Servant
Richard D. Hubbard

Enclosure Separate: Copy and duplicate
of report published by Depart
ment of Agriculture and Commerce

3RD ASSISTANT SECRETARY
Ack by No & file
MAR 18 1886

DEPARTMENT OF STATE
MAR 17 1886
RECEIVED.

No 117

Mr Everett

19

United States Legation

Tokio Japan Feb 12 86

Mr Hubbard.

To The Secretary of State

Subject:

Enclose extract from Japanese paper on American—Japanese Commerce

No 117 United State Legation
Tokio Japan Feb 12-1886

Hon Thomas. F. Bayard
Secretary of State
Washington

Sir:

I have endeavoured since my entrance upon the duties of this mission by all legitimate means within my power to encourage the discussion of the trade relations of Japan and the United States, - with the object of intelligently familiarizing Exporters and importers of our respective Countries, through the Japanese and American press and otherwise - with the great pecuniary

advantage

advantage to both of encouraging
and increasing that trade,
In my despatch No 105 I had the
honor to enclose for your perusal a
very able article from the Native
press ("J.J. Shimpo") breathing, as it did,
a healthy and intelligent spirit
of political as well as commer
cial friendship toward the
United States. This influential
native Editor (whose leaders are
largely translated and copied
by the English Press here) is de
voting much of his great talents
and zeal to almost daily dis
cussions, in his daily paper, of
the Japanese-American trade
relations. Herewith enclosed
I desire respectfully to call
Your

your attention to another and later article which presents this subject in a true light and which is certainly warranted by the facts of the case. A spirit of enquiry has been aroused and if our own (american) merchants would turn their attention in a practical business way toward the East, studying the character and wants of this trade, there is no reason why in the next decade our aggregate exports and imports of the two countries should not double or even quadruple the present quantity and value

I have the honor to be

Sir

Sir

Your Obedient Servant

Richard B. Hubbard

Enclosure: Clipping from Jas. Shumpert

as above.

Enclosure With Mr Hubbards No 117

THE *Jiji Shimpo*, returning to the subject of commercial relations between Japan and the United States, says:—Having regard to the positions of the two countries geographically, and also to the nature of their products, it seems as if the trade between them ought to undergo a yearly increase. Whether it is that the Japanese are too short-sighted to grasp the situation, or that the people of the States are too busily engaged at home to look in this direction, it is not at present necessary to decide, but it is matter for grave regret that the negligence of the two nations has tended to retard the development of their commercial relations. According to the trade report of 1883, the trade between this country and England is represented by *yen* 4,832,800 in exports and *yen* 12,744,944 in imports; while our commerce with the United States of America is shown by *yen* 13,247,840 in exports and *yen* 3,187,114 in imports. There may be several circumstances to account for this difference, but the chief cause seems to be that the merchants of America do not pay so much attention to the trade with Japan as Englishmen do. If American merchants desire to improve their commercial relations with this country, they can easily do so. They have the disposal of several commodities that can be profitably imported here, such for instance as cotton fabrics, woollen goods, and other articles of a miscellaneous nature. Nor is there any lack of articles here to be imported to their side. To mention an example, the large amount of sulphur used in American factories—at present supplied by Italy—might be imported from this country, as our article is better and cheaper than the Italian. Apart from the negligence of the American merchants, however, there is another circumstance, and it is this: that American importers have not the advantage of a return freight. This, of course, arises from the negligence of our merchants to supply them with suitable articles to take home. It is, therefore, to be desired that Japanese merchants should strive to supply the demands of Americans, at the same time importing as much as possible from America, excepting rails and other iron wares, which are best made in England. It is not necessary that our railroads should be of elegant construction; practical utility alone should be made the aim. We ought, therefore, to consider it best not only to import American materials of construction, but also to hire American engineers. Both countries have natural products which can be profitably exchanged. Last year, while on his way to his post here, the American Minister, Mr. Hubbard, made a speech at San Francisco, in which, we remember, he alluded to the want of interest taken by American merchants in the trade with Japan, and pointed out that the present volume of that trade might be easily increased two or three-fold. True, much is to be ascribed to the negligence of the Americans, but the indolence of the Japanese has been hardly less blame-worthy. We hope our merchants will endeavour to show the Americans that the Japanese trade is sufficiently promising to repay any attention they may bestow on it.

of Feb 9th 1886

3RD ASSISTANT SECRETARY
Ack by No. + file.
MAR 16 1886

file

DEPARTMENT OF STATE
MAR 17 1886
RECEIVED.

Mr Everett

No 118

19

United States Legation
Tokio Japan Feb 16th 1886

Mr Hubbard

To The Secretary of State

Subject:

Enclosing newspaper clippings containing reports of addresses made before "English Law School of Japan"

No 118

United States Legation
Tokio Japan Feby. 16 1886.

Hon Thomas F. Bayard,
Secretary of State,
Washington.

Sir,

I have the honor here-
with to transmit for your
perusal, the report of the an-
nual celebration of what
is known here as the "English
Law School".

It is an institution es-
tablished by native Japanese
Lawyers, most of whom have
pursued their legal, as well
as literary studies in England
and

and the United States, during the last twenty or thirty years. Among these these young men, are now Judges and Counsellors, on the Bench, and at the Bar of Japan.

Such an institution, already numbering six hundred young men on its rolls, whose object is to teach the practice and principles of what the President Mr Masujima (to whose opening address I especially call your attention) properly denominates the "Anglo-American Law" — is an augury of good for the Empire.

In the brief address which

which the United States Minister made to the found ers and patrons and students of this institution on that occasion, and herewith transmitted, he endeavoured to give encouragement to its most laudable objects, while avoiding the discussion of controversial points of diplomacy, or the political home government, except where he could, conscientiously speak, as he did, in terms of hope and commendation. This address was made on the very earnest solicitation of the professors and students of the school

and

and I am gratified that the officials of the government, as well as my colleagues of the Diplomatic Corps, have expressed their earnest and emphatic approval of what was said on that occasion.

I indulge the hope that the same will likewise meet your own approval, as well as that of my Government.

I have the honor to be

Sir

Your Obdient Servant

Richard A. Hubbard

Enclosures: In triplicate; clipping from Japan Daily Herald of Feby. 15th 1886

Duplicate Enclosure with Mr Hubbard's No 118.

ANNUAL BANQUET OF THE TÔKYÔ ENGLISH LAW SCHOOL.

We produce below the principal speeches delivered at the recent banquet given by the promoters and patrons of the English Law School in Tôkyô.

The first speaker was Mr. MASUJIMA. He said :—

GENTLEMEN,—The toast that must precede all others to night is that of the health of His Imperial Majesty Mutsu-hito Tenno. I am sure I express the genuine sentiment of all present when I say that we wish His Majesty many and many returns of the bright New Years of his glorious reign. May that reign be happy; and may it even exceed in duration the reigns of some of His Majesty's predecessors which history tells us were in olden times counted by more than a hundred years. It is under the gracious protection of our August Sovereign that for the first time in the history of our country a private institution like ours is permitted to prosper by its own merits, undisturbed by official interference or private jealousies. This and other privileges of a like character are only what we anticipate in a wise and enlightened reign, when liberty and education are ensured and encouraged, and where the objects are innocent and lawful as ours are. As you all know, we have no intention of mixing in politics—still less in any agitation that may prevail among the ignorant, puzzling and troubling the authorities for no good end. Nor do we propose to devote our attention to what we may term the technical politics of our science. That we count beneath our dignity. Our aim is a nobler one; we desire to reach the pure practice and principles of English law, or, more correctly, Anglo-American law. We wish to make our fellow subjects law abiding and self governing; to afford some of our countrymen a position and a profession so that they may understand the advantage of each one attending to his own business. The Anglo-American race is the most civilized in the world, socially and politically, and its habits and institutions are the best examples that a new and progressing country like Japan can study with advantage to herself and without the slightest danger. In no other race are the qualities which make men law abiding and self governing so strongly displayed, and yet no other race knows better how to protect its own rights and interests. Our school has hardly had time to establish itself on a firm foundation, and its objects and work have scarcely as yet been recognised by the public. But, encouraged by the favourable circumstances that I have briefly sketched, we will use all the resources available to attain the end we have in view. Not only, therefore, gentlemen, as loyal subjects, but by way of expressing our gratitude to His Imperial Majesty for the gracious protection that we have enjoyed and hope to avail ourselves of in future for the prosperity of this institution, let us drink to our Sovereign—*Senju man sai.* "Long live the Emperor!"

The health of the Legal Profession having then been briefly proposed, Mr. SCIDMORE, U.S. Deputy Consul-General, replied as follows :—

Mr. CHAIRMAN and GENTLEMEN,—I should have been better pleased had the task of responding to the toast to the legal profession been confided to other hands than mine. To answer for such a client before a tribunal like the present one, however, has its advantages; for I know that many of the Court and Jury are interested parties, and that the testimony to be given this evening is all in favour of the respondent. We are assembled to celebrate the successful progress of an institution, cosmopolitan in its studies, liberalizing and scientific in its methods, and which has for its object the advancement of our profession in Japan. More than 600 bright young men are enrolled upon its books, and the influence of its good work is already spreading to distant parts of the country. To lend encouragement by words of cheer or by personal labours to such an undertaking, becomes a pleasure to every lawyer to whom an opportunity may present itself. The legal profession in Japan is of recent growth, and is an honour to the country. Its future is bright with the promise of great achievements in a field where the law in many departments is yet to be written, expounded, and administered. To that interesting undertaking I believe that the Ingirisu Horitsu Gakko will contribute her share through the future advocates, judges, and legislators she will send forth. Gentlemen, "To the Profession."

The next toast was the health of the guests, with which was coupled the name of the United States Minister. Mr. HUBBARD, after explaining that he was commissioned to express the great regret of the Hon. Sir Francis Plunkett, who was unfortunately unable to be present, responded on behalf of the guests in the following terms :—

Mr. PRESIDENT, PROFESSORS, and STUDENTS of the "Anglo-American Law School" of Japan: In behalf of the guests whom you have honored by this invitation, and especially complimented by your generous sentiment just uttered, I am commissioned to express our profound acknowledgements, and to say that we heartily invoke for yourselves individually, and for your noble institution, long life and increasing prosperity. We have just now united with you in your right loyal wish for the "Health and prosperity of His Majesty the Emperor and His Empire." By all English speaking peoples around the globe (for their language and commerce is heard and seen in every land and on every sea), and by all the great Treaty Powers whose ambassadors have been welcomed at this ancient Court, this sentiment will meet with most cordial and generous amens. It is not merely in return for the knightly hospitality which your Emperor and his subjects have extended to all Western nations, that we join with you in this sentiment to His Majesty; but rather because in the present Imperial Head of your Empire of thirty-seven millions of people, we recognize your wonderful progress in civilization, in the arts and sciences, in statesmanship, in finance, law, and education, which, in the last thirty years, has had but few parallels in the world's history! I would not speak to this intelligent assembly as a courtier seeking favour of Imperial power by flattering speech. The highest evidence in private or national life of earnest and unselfish friendship in the man or the ambassador—is to talk with candor whether to the prince or peasant, and never seeking to deceive with "Delphic Oracles," in the homes of the subjects—or in the palaces of kings. I am not here to tell you, my friends, that you have reached the highest rounds of the ladder, or that there are no spots on the rising sun of your Empire. You would not thank me for such false flattery. The very strides which you have made and are now making, and the constant eagerness with which your people are still stretching forth their hands; and the ever-unceasing readiness with which they drop the scales of old errors and traditions from their eyes, whilst seeking the revelations of the new world; all these ready monitors would frown upon other than truthful and open-hearted speech in such a presence and to such a people. It has been thirty-two years since that great American, Commodore Perry, entered the Bay of Yedo, bearing the olive branch from the United States to Japan, and induced this country to sign a treaty of friendship and commerce. Since that memorable day in the history of your country, you have wrestled earnestly and with large success with the problem of political government. You have abolished feudalism, which for ages had made vassals of millions of people. You have celebrated the restoration of the rightful inheritance to the dynasty (which you trace back centuries before the Christian era), and abolished the domination of the Tycoons and the Shogun who were the then actual rulers, while the Imperial Son of Tenno was a virtual hermit in the complete and enforced seclusion of the palaces of Kyôto. You have entered into liberal treaties of amity and commerce with the great governments of the earth, and have sent your young men, during the last thirty years, to all friendly nations to learn of their civilizations and education, as taught in their schools and universities, as illustrated in their forums of justice and of the law, and in the National Assemblies of France, the Reichstag of Germany, the Parliaments of England and the Continent, and in Congresses and Capitol of the great Republic of North America. In like reciprocal confidence you have from a foreign commerce in 1850, not amounting to a quarter of a million, built up a trade with other nations amounting in value annually to nearly seventy millions of dollars! In your open ports come every day friendly ships

of other lands, bearing to your markets their rich exports, and carrying back in return half round the globe your silks and teas, and marvellous wares and curious handiworks of genius and art. Here, too, you have welcomed our people in cordial friendship, conceding as requested even extra-territorial rights in the open ports, to these Treaty Powers, to trade and traffic, being amenable only to the consular tribunals of the said treaty Powers respectively. In the interior of your beautiful islands, Europeans and Americans may travel by passports, granted not by treaty but by comity of this friendly power of the Orient. You have established since that day a system of public schools, accessible to all the children of these thirty-seven millions of your Empire. You have long since established an Imperial University and Schools of Engineering, modelled after the best in the Old World and the New; and thither you have invited (till your own native students could learn and teach,) eminent men of learning from Europe and America to preside during the youth time and early manhood of these institutions. To-day you are able to conduct your schools and colleges and universities mostly with presidents and professors and teachers of your own people—"native and to the manner born." You claim to be able to build your own railways, span your own rivers, and tunnel your own mountains by the civil engineers taught in your own schools. In education and science you may be congratulated on your solid progress toward intellectual independence and self reliance. In your army and navy, the right arms of the civil power, you have established system and soldierly discipline, greatly in advance of your earlier history. You point, justly and with pride, to a naval armament superior to many even of western nations; and to an army which give evidence and promise, by their drill and discipline, led by officers taught in the military schools of the west (as they now may be taught in your own military schools), that in the day of national trial or of battle they will be gallant defenders of the Empire and perpetuate the martial prowess of their ancestors. But I cannot dwell longer on all these evidences of progress and power. My honored colleagues of the Diplomatic Corps—and especially my distinguished friend Sir Francis Plunkett, the British Minister (whose deserved promotion to knighthood, we have all recently hailed with pleasure) and whose country is the ancient "Mother" to my own, beyond the seas—they and he, I am sure, will pardon an American citizen for cherishing and expressing a peculiar national pride at this hour. It is a historic fact that all this happy progress in civilization and government, and healthful national growth in Japan, dates back to the hour when an American sailor flying his country's flag, and bearing her messages of peace to Japan, was the first in all the earth to induce your country to open to his overtures its doors to the friendly intercourse and commerce of the Republic of Washington. And equally gratifying is the thought that during all these thirty-two years our friendship has been "growing with the growth and strenghtening with the strength" of our respective lands; that while receiving nearly a million of indemnity from your then hard-run treasury, we returned it without your asking; and that while the United States buys more than one third of all your exports to foreign lands, and Japan buys from us five times less than she does from my esteemed English colleague's country (which sells to you immensely and buys only about what we sell)—notwithstanding, all this we are still your friends and "Brother Jonathan" thinks not a whit less of "John Bull," whose ancient losses (let me say to him in all good humour) in the West he naturally seeks to make good in the East. But this occasion being the annual celebration of the founding of the "Anglo-American Law School" of Japan, admonishes me that I must not be led off after the more fascinating consideration of your martial, naval, educational, and political progress; I would be untrue to all the teachings of history did I not seek to impress you, —Judges and Counsellors and Professors and Students of the Law—that higher than any material or political power in the State, is the absolute necessity of a pure and upright judicial system, with wise, just, civil and criminal codes of written laws; and with counsellors to advocate at the forum, and judges incorruptible and learned on the bench to expound and execute them. The founders of this institution, wisely builded when they sought to establish such an auxiliary to the jurisprudence of this Empire. Your country has already enacted codes of laws, and approaches the day (as promised and suggested by your Emperor) when with a written constitution and with a representative assembly (like the English Parliament), it is to be hoped this empire may take her co-equal position undisputed and unchallenged, and of right, by the side of all the Treaty Powers. My friends, men of Japan, who in the coming time must expound this promised constitution and these laws, your country may never hope to completely reach the high place in the family of nations till her courts of law are made as respected as your Ministers of State; and whose judges shall wield a just judicial power stronger in moral force than armies and navies, for the protection alike of the Crown and the property and liberty of the subject. These attainments are not made in a day, or a year, or even in decades. You have the key to unlock the situation in furnishing to your country a learned able and incorruptible judiciary. When in your courts, native and foreign born, aliens and strangers, shall know that equal and exact justice shall be meted out to them from written laws and under a written constitution, then indeed your "year of jubilee" will have come, and one of the oldest of the nations of the Orient will more than resume again the ancient power and glory of the "Land of the Morning." You have wisely chosen the study of the "English Common Law" which the learned speakers here to-night have more appropriately called the Anglo-American Law. The glory of English-American civilization and statesmanship flows from the common law. It is an unfailing fountain of justice in whose waters the wounds of the oppressed the world over may find healing. It is a "flaming sword" also, let me use the figure of speech, bringing the oppressed to justice and punishment. It furnishes a lamp to the feet of all, whether of English or cosmopolitan tongues, to seek the path of the right and to know when they walk therein. This day England would not exchange the wealth and glory of the names and decisions of her Lord Chancellors and Chief Justices —her Cokes and Blackstones and Erskines—for all the martial prowess of her Wellingtons or Nelsons in the battles of the land and of the sea. America cherishes to-day in her heart the priceless heritage of her Marshalls and Storeys and Kents and the galaxy of great jurists who have adorned her Supreme Courts—State and National—more than the achievements of her heroes, of all her wars, foreign or domestic. Thus it must be in all great governments, whether Empires or Republics, who expect to perpetuate the civil power, regulated by law through the centuries to follow. Let me warn you, my young friends, against using your profession of the law as a mere stepping stone to political emolument and position. Of course, no truly great statesman should neglect to study—to know his country's laws. The King on his throne and his high Ministers of State and the law-making power, surely ought to know the laws. But what I mean is, that to become an eminent and successful barrister or advocate at the bar or judge on the bench, the honours of the judiciary alone, should be the sole object of ambition. To live in the history of your country as an able and learned legal advocate for the rights of life and property and liberty; to be a judge remembered in all time for protecting the wronged and oppressed is a fame which will be green and perennial when the red laurels of warriors shall have faded forever from the memory of men. To attain these ends, you must "learn to labour and to wait." Be true to yourselves, and to your clients, and to your country. There is no royal road to success at the Bar. It is a noble work, and worthy of a life-time's devotion. Uphold the dignity of your profession, and never sink the councillor into the low cunning of the "shyster." Remember that weakness and innocence appeal to your advocacy, and life as well as liberty is often in the keeping of the lawyer and the judge. But I cannot close without expressing the hope and the belief that contemporary with the advancement and elevation of the judiciary to the dignity and reverence of the Courts of England and America, should be the encouragement of an enlightened press. This most potent of all powers in the evangelization of a people, should be educated in the laws, and in political and social government. All friends of the Empire will welcome the day when, as in England and America, while amenable for abuses of liberty or violation of law, the press shall become an honoured and protected factor in the national government. Lastly,

I congratulate this Empire (as I have already done officially in behalf of my Government), and as I am sure my colleagues of the Diplomatic Corps have also, on the recent radical changes in the home government of Japan, by which greater simplicity and economy in government have been vouchsafed to your country. In the light of all these fruitful events we again greet your country and your countrymen on the triumphs of the past, with earnest and confident hopes of still greater achievements in the future.

Duplicate, Enclosure with Mr Hubbard's No 118.

ANNUAL BANQUET OF THE TÔKYÔ ENGLISH LAW SCHOOL.

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The health of the Legal Profession having then been briefly proposed, Mr. SCIDMORE, U.S. Deputy Consul-General, replied as follows :—

Mr. CHAIRMAN and GENTLEMEN,—I should have been better pleased had the task of responding to the toast to the legal profession been confided to other hands than mine. To answer for such a client before a tribunal like the present one, however, has its advantages; for I know that many of the Court and Jury are interested parties, and that the testimony to be given this evening is all in favour of the respondent. We are assembled to celebrate the successful progress of an institution, cosmopolitan in its studies, liberalizing and scientific in its methods, and which has for its object the advancement of our profession in Japan. More than 600 bright young men are enrolled upon its books, and the influence of its good work is already spreading to distant parts of the country. To lend encouragement by words of cheer or by personal labours to such an undertaking, becomes a pleasure to every lawyer to whom an opportunity may present itself. The legal profession in Japan is of recent growth, and is an honour to the country. Its future is bright with the promise of great achievements in a field where the law in many departments is yet to be written, expounded, and administered. To that interesting undertaking I believe that the Ingirisu Horitsu Gakko will contribute her share through the future advocates, judges, and legislators she will send forth. Gentlemen, "To the Profession."

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Mr. PRESIDENT, PROFESSORS, and STUDENTS of the "Anglo-American Law School" of Japan: In behalf of the guests whom you have honored by this invitation, and especially complimented by your generous sentiment just uttered, I am commissioned to express our profound acknowledgements, and to say that we heartily invoke for yourselves individually, and for your noble institution, long life and increasing prosperity. We have just now united with you in your right loyal wish for the "Health and prosperity of His Majesty the Emperor and His Empire." By all English speaking peoples around the globe (for their language and commerce is heard and seen in every land and on every sea), and by all the great Treaty Powers whose ambassadors have been welcomed at this ancient Court, this sentiment will meet with most cordial and generous amens. It is not merely in return for the knightly hospitality which your Emperor and his subjects have extended to all Western nations, that we join with you in this sentiment to His Majesty; but rather because in the present Imperial Head of your Empire of thirty-seven millions of people, we recognize your wonderful progress in civilization, in the arts and sciences, in statesmanship, in finance, law, and education, which, in the last thirty years, has had but few parallels in the world's history! I would not speak to this intelligent assembly as a courtier seeking favour of Imperial power by flattering speech. The highest evidence in private or national life of earnest and unselfish friendship in the man or the ambassador—is to talk with candor whether to the prince or peasant, and never seeking to deceive with "Delphic Oracles," in the homes of the subjects—or in the palaces of kings. I am not here to tell you, my friends, that you have reached the highest rounds of the ladder, or that there are no spots on the rising sun of your Empire. You would not thank me for such false flattery. The very strides which you have made and are now making, and the constant eagerness with which your people are still stretching forth their hands; and the ever-unceasing readiness with which they drop the scales of old errors and traditions from their eyes, whilst seeking the revelations of the new world; all these ready monitors would frown upon other than truthful and open-hearted speech in such a presence and to such a people. It has been thirty-two years since that great American, Commodore Perry, entered the Bay of Yedo, bearing the olive branch from the United States to Japan, and induced this country to sign a treaty of friendship and commerce. Since that memorable day in the history of your country, you have wrestled earnestly and with large success with the problem of political government. You have abolished feudalism, which for ages had made vassals of millions of people. You have celebrated the restoration of the rightful inheritance to the dynasty (which you trace back centuries before the Christian era), and abolished the domination of the Tycoons and the Shogun who were the then actual rulers, while the Imperial Son of Tenno was a virtual hermit in the complete and enforced seclusion of the palaces of Kyôto. You have entered into liberal treaties of amity and commerce with the great governments of the earth, and have sent your young men, during the last thirty years, to all friendly nations to learn of their civilizations and education, as taught in their schools and universities, as illustrated in their forums of justice and of the law, and in the National Assemblies of France, the Reichstag of Germany, the Parliaments of England and the Continent, and in Congresses and Capitol of the great Republic of North America. In like reciprocal confidence you have from a foreign commerce in 1850, not amounting to a quarter of a million, built up a trade with other nations amounting in value annually to nearly seventy millions of dollars! In your open ports come every day friendly ships

of other lands, bearing to your markets their rich exports, and carrying back in return half round the globe your silks and teas, and marvellous wares and curious handiworks of genius and art. Here, too, you have welcomed our people in cordial friendship, conceding as requested even extra-territorial rights in the open ports, to these Treaty Powers, to trade and traffic, being amenable only to the consular tribunals of the said treaty Powers respectively. In the interior of your beautiful islands, Europeans and Americans may travel by passports, granted not by treaty but by comity of this friendly power of the Orient. You have established since that day a system of public schools, accessible to all the children of these thirty-seven millions of your Empire. You have long since established an Imperial University and Schools of Engineering, modelled after the best in the Old World and the New; and thither you have invited (till your own native students could learn and teach,) eminent men of learning from Europe and America to preside during the youth time and early manhood of these institutions. To-day you are able to conduct your schools and colleges and universities mostly with presidents and professors and teachers of your own people—"native and to the manner born." You claim to be able to build your own railways, span your own rivers, and tunnel your own mountains by the civil engineers taught in your own schools. In education and science you may be congratulated on your solid progress toward intellectual independence and self reliance. In your army and navy, the right arms of the civil power, you have established system and soldierly discipline, greatly in advance of your earlier history. You point, justly and with pride, to a naval armament superior to many even of western nations; and to an army which give evidence and promise, by their drill and discipline, led by officers taught in the military schools of the west (as they now may be taught in your own military schools), that in the day of national trial or of battle they will be gallant defenders of the Empire and perpetuate the martial prowess of their ancestors. But I cannot dwell longer on all these evidences of progress and power. My honored colleagues of the Diplomatic Corps—and especially my distinguished friend Sir Francis Plunkett, the British Minister (whose deserved promotion to knighthood, we have all recently hailed with pleasure) and whose country is the ancient "Mother" to my own, beyond the seas—they and he, I am sure, will pardon an American citizen for cherishing and expressing a peculiar national pride at this hour. It is a historic fact that all this happy progress in civilization and government, and healthful national growth in Japan, dates back to the hour when an American sailor flying his country's flag, and bearing her messages of peace to Japan, was the first in all the earth to induce your country to open to his overtures its doors to the friendly intercourse and commerce of the Republic of Washington. And equally gratifying is the thought that during all these thirty-two years our friendship has been "growing with the growth and strenghtening with the strength" of our respective lands; that while receiving nearly a million of indemnity from your then hard-run treasury, we returned it without your asking; and that while the United States buys more than one third of all your exports to foreign lands, and Japan buys from us five times less than she does from my esteemed English colleague's country (which sells to you immensely and buys only about what we sell)—notwithstanding, all this we are still your friends and "Brother Jonathan" thinks not a whit less of "John Bull," whose ancient losses (let me say to him in all good humour) in the West he naturally seeks to make good in the East. But this occasion being the annual celebration of the founding of the "Anglo-American Law School" of Japan, admonishes me that I must not be led off after the more fascinating consideration of your martial, naval, educational, and political progress; I would be untrue to all the teachings of history did I not seek to impress you, —Judges and Counsellors and Professors and Students of the Law—that higher than any material or political power in the State, is the absolute necessity of a pure and upright judicial system, with wise, just, civil and criminal codes of written laws; and with counsellors to advocate at the forum, and judges incorruptible and learned on the bench to expound and execute them. The founders of this institution, wisely builded when they sought to establish such an auxiliary to the jurisprudence of this Empire. Your country has already enacted codes of laws, and approaches the day (as promised and suggested by your Emperor) when with a written constitution and with a representative assembly (like the English Parliament), it is to be hoped this empire may take her co-equal position undisputed and unchallenged, and of right, by the side of all the Treaty Powers. My friends, men of Japan, who in the coming time must expound this promised constitution and these laws, your country may never hope to completely reach the high place in the family of nations till her courts of law are made as respected as your Ministers of State; and whose judges shall wield a just judicial power stronger in moral force than armies and navies, for the protection alike of the Crown and the property and liberty of the subject. These attainments are not made in a day, or a year, or even in decades. You have the key to unlock the situation in furnishing to your country a learned able and incorruptible judiciary. When in your courts, native and foreign born, aliens and strangers, shall know that equal and exact justice shall be meted out to them from written laws and under a written constitution, then indeed your "year of jubilee" will have come, and one of the oldest of the nations of the Orient will more than resume again the ancient power and glory of the "Land of the Morning." You have wisely chosen the study of the "English Common Law" which the learned speakers here to-night have more appropriately called the Anglo-American Law. The glory of English-American civilization and statesmanship flows from the common law. It is an unfailing fountain of justice in whose waters the wounds of the oppressed the world over may find healing. It is a "flaming sword" also, let me use the figure of speech, bringing the oppressed to justice and punishment. It furnishes a lamp to the feet of all, whether of English or cosmopolitan tongues, to seek the path of the right and to know when they walk therein. This day England would not exchange the wealth and glory of the names and decisions of her Lord Chancellors and Chief Justices —her Cokes and Blackstones and Erskines—for all the martial prowess of her Wellingtons or Nelsons in the battles of the land and of the sea. America cherishes to-day in her heart the priceless heritage of her Marshalls and Storeys and Kents and the galaxy of great jurists who have adorned her Supreme Courts—State and National—more than the achievements of her heroes, of all her wars, foreign or domestic. Thus it must be in all great governments, whether Empires or Republics, who expect to perpetuate the civil power, regulated by law through the centuries to follow. Let me warn you, my young friends, against using your profession of the law as a mere stepping stone to political emolument and position. Of course, no truly great statesman should neglect to study—to know his country's laws. The King on his throne and his high Ministers of State and the law-making power, surely ought to know the laws. But what I mean is, that to become an eminent and successful barrister or advocate at the bar or judge on the bench, the honours of the judiciary alone, should be the sole object of ambition. To live in the history of your country as an able and learned legal advocate for the rights of life and property and liberty; to be a judge remembered in all time for protecting the wronged and oppressed is a fame which will be green and perennial when the red laurels of warriors shall have faded forever from the memory of men. To attain these ends, you must "learn to labour and to wait." Be true to yourselves, and to your clients, and to your country. There is no royal road to success at the Bar. It is a noble work, and worthy of a life-time's devotion. Uphold the dignity of your profession, and never sink the councillor into the low cunning of the "shyster." Remember that weakness and innocence appeal to your advocacy, and life as well as liberty is often in the keeping of the lawyer and the judge. But I cannot close without expressing the hope and the belief that contemporary with the advancement and elevation of the judiciary to the dignity and reverence of the Courts of England and America, should be the encouragement of an enlightened press. This most potent of all powers in the evangelization of a people, should be educated in the laws, and in political and social government. All friends of the Empire will welcome the day when, as in England and America, while amenable for abuses of liberty or violation of law, the press shall become an honoured and protected factor in the national government. Lastly,

I congratulate this Empire (as I have already done officially in behalf of my Government), and as I am sure my colleagues of the Diplomatic Corps have also, on the recent radical changes in the home government of Japan, by which greater simplicity and economy in government have been vouchsafed to your country. In the light of all these fruitful events we again greet your country and your countrymen on the triumphs of the past, with earnest and confident hopes of still greater achievements in the future.

Enclosure with Mr Hubbard's No. 118.

ANNUAL BANQUET OF THE TÔKYÔ ENGLISH LAW SCHOOL.

We produce below the principal speeches delivered at the recent banquet given by the promoters and patrons of the English Law School in Tôkyô.

The first speaker was Mr. MASUJIMA. He said :—

GENTLEMEN,—The toast that must precede all others to night is that of the health of His Imperial Majesty Mutsu-hito Tenno. I am sure I express the genuine sentiment of all present when I say that we wish His Majesty many and many returns of the bright New Years of his glorious reign. May that reign be happy; and may it even exceed in duration the reigns of some of His Majesty's predecessors which history tells us were in olden times counted by more than a hundred years. It is under the gracious protection of our August Sovereign that for the first time in the history of our country a private institution like ours is permitted to prosper by its own merits, undisturbed by official interference or private jealousies. This and other privileges of a like character are only what we anticipate in a wise and enlightened reign, when liberty and education are ensured and encouraged, and where the objects are innocent and lawful as ours are. As you all know, we have no intention of mixing in politics—still less in any agitation that may prevail among the ignorant, puzzling and troubling the authorities for no good end. Nor do we propose to devote our attention to what we may term the technical politics of our science. That we count beneath our dignity. Our aim is a nobler one; we desire to reach the pure practice and principles of English law, or, more correctly, Anglo-American law. We wish to make our fellow subjects law abiding and self governing; to afford some of our countrymen a position and a profession so that they may understand the advantage of each one attending to his own business. The Anglo-American race is the most civilized in the world, socially and politically, and its habits and institutions are the best examples that a new and progressing country like Japan can study with advantage to herself and without the slightest danger. In no other race are the qualities which make men law abiding and self governing so strongly displayed, and yet no other race knows better how to protect its own rights and interests. Our school has hardly had time to establish itself on a firm foundation, and its objects and work have scarcely as yet been recognised by the public. But, encouraged by the favourable circumstances that I have briefly sketched, we will use all the resources available to attain the end we have in view. Not only, therefore, gentlemen, as loyal subjects, but by way of expressing our gratitude to His Imperial Majesty for the gracious protection that we have enjoyed and hope to avail ourselves of in future for the prosperity of this institution, let us drink to our Sovereign—*Senju man zai*. "Long live the Emperor!"

The health of the Legal Profession having then been briefly proposed, Mr. SCIDMORE, U.S. Deputy Consul-General, replied as follows :—

Mr. CHAIRMAN and GENTLEMEN,—I should have been better pleased had the task of responding to the toast to the legal profession been confided to other hands than mine. To answer for such a client before a tribunal like the present one, however, has its advantages; for I know that many of the Court and Jury are interested parties, and that the testimony to be given this evening is all in favour of the respondent. We are assembled to celebrate the successful progress of an institution, cosmopolitan in its studies, liberalizing and scientific in its methods, and which has for its object the advancement of our profession in Japan. More than 600 bright young men are enrolled upon its books, and the influence of its good work is already spreading to distant parts of the country. To lend encouragement by words of cheer or by personal labours to such an undertaking, becomes a pleasure to every lawyer to whom an opportunity may present itself. The legal profession in Japan is of recent growth, and is an honour to the country. Its future is bright with the promise of great achievements in a field where the law in many departments is yet to be written, expounded, and administered. To that interesting undertaking I believe that the Ingirisu Horitsu Gakko will contribute her share through the future advocates, judges, and legislators she will send forth. Gentlemen, "To the Profession."

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When in your courts, native and foreign born, aliens and strangers, shall know that equal and exact justice shall be meted out to them from written laws and under a written constitution, then indeed your "year of jubilee" will have come, and one of the oldest of the nations of the Orient will more than resume again the ancient power and glory of the "Land of the Morning." You have wisely chosen the study of the "English Common Law" which the learned speakers here to-night have more appropriately called the Anglo-American Law. The glory of English-American civilization and statesmanship flows from the common law. It is an unfailing fountain of justice in whose waters the wounds of the oppressed the world over may find healing. It is a "flaming sword" also, let me use the figure of speech, bringing the oppressed to justice and punishment. It furnishes a lamp to the feet of all, whether of English or cosmopolitan tongues, to seek the path of the right and to know when they walk therein. 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The King on his throne and his high Ministers of State and the law-making power, surely ought to know the laws. But what I mean is, that to become an eminent and successful barrister or advocate at the bar or judge on the bench, the honours of the judiciary alone, should be the sole object of ambition. To live in the history of your country as an able and learned legal advocate for the rights of life and property and liberty; to be a judge remembered in all time for protecting the wronged and oppressed is a fame which will be green and perennial when the red laurels of warriors shall have faded forever from the memory of men. To attain these ends, you must "learn to labour and to wait." Be true to yourselves, and to your clients, and to your country. There is no royal road to success at the Bar. It is a noble work, and worthy of a life-time's devotion. Uphold the dignity of your profession, and never sink the councillor into the low cunning of the "shyster." 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Lastly, I congratulate this Empire (as I have already done officially in behalf of my Government), and as I am sure my colleagues of the Diplomatic Corps have also, on the recent radical changes in the home government of Japan, by which greater simplicity and economy in government have been vouchsafed to your country. In the light of all these fruitful events we again greet your country and your countrymen on the triumphs of the past, with earnest and confident hopes of still greater achievements in the future.

DEPARTMENT OF STATE
MAR 17 1886
RECEIVED

Mr Roberts

United States Legation
Tokio Japan Feb 22-1886

Mr Mansfield
To The Secretary of State

Subject:
Enclosing duplicate account for salary for time occupied in transit.

United States Legation
Tokio Japan Feb 22-1886

Hon Thomas F. Bayard,
Secretary of State,
Washington

Sir,

I have the honor to transmith herewith, duplicate account for salary, for time occupied in making transit, from my place of residence at Tyler Texas, and my post of duty Tokei Japan, viz: Thirty days from January 1st 1886 to January 31st 1886. I beg leave to call your attention

to

a slight error in my original account; In that account I make the sum due £44. 14: 10; whereas I should have made it £44. 19. 6. I have corrected the mistake in the duplicate account enclosed herewith.

I have the honor to be,

Sir,

Your Obedient Servant

Frederick S. Mansfield

Secretary U. S. Legation in Japan

Enclosure, duplicate account as above.

DEPARTMENT OF STATE
MAR 17 1886
RECEIVED.

3RD ASSISTANT SECRETARY
Act'g as interested
March 20 86
MAR 18 1886 Encl'd

No 119

Mr Everett

No 19

United States Legation

Tokio Japan Feb 22-1886

Mr Hubbard

To The Secretary of State.

Subject:

The circulation of newspapers published in Japan.

No 119

United States Legation.
Tokio Japan Feb 22 1886

Hon Thos. F. Bayard,
Secretary of State,
Washington.

Sir,

I have the honor to enclose a resume of the statistics of the "Official Gazette" of Japan, showing the number of newspapers (Native) published in the Empire, and their circulation at home and abroad. Of the leading papers, as noted in the last paragraph of the enclosure, it will be observed that the "Ji Ji Shimpo"

to

(to whose able articles, discussing Japanese and American trade relations, I have occasionally called the attention of your Department) has the largest circulation, being (2.220.560) two millions, two hundred and twenty thousand, five hundred and sixty numbers annually or (7400) seven thousand four hundred daily copies. I forward these statistics as indicating the advancement of these people in popular intelligence, and a growing enquiry for knowledge among the masses of the people. Besides the above list there are published in the

Empire

Empire eight newspapers printed in the English language, three of them bring daily issued, and the remainder weekly. Their aggregate daily circulation is estimated, among the foreign population, to be about two thousand numbers, and the weekly about one thousand.

I have the honor to be,

Sir,

Your Obedient Servant

Richard B. Hubbard

Enclosure: Newspaper clipping containing statistics of native newspaper circulation.

Enclosure with Mr Hubbards No 119

THE *Official Gazette* publishes statistics of the circulation of newspapers printed in Tôkyô, from which we learn that during 1885, 32,387,243 copies of forty-two newspapers and magazines, for the publication of which security had to be deposited, were issued. Of this total 73,913 copies were sent abroad, 10,524,530 delivered in other cities and prefectures, the remaining 21,788,800 being circulated in the capital. During the year three newspapers and three periodicals were suspended, and one, intended to publish translations from foreign newspapers, died after only two months' existence. Four new journals were launched, two of which are specially devoted to religions objects, while another new sheet is termed the *Ginko Tsushinroku* or *Banking Correspondent*. The amount realized by these newspapers was for 1884, *yen* 493,095.764 and for 1885, *yen* 480,769,077, against *yen* 86,897.992 and *yen* 89,664.925 for those printed without security. The total receipts of these two classes of newspapers was *yen* 579,993.756 for 1884, and *yen* 570,434.002 for 1885. The *Yomiuri Shimbun*, had the largest circulation, over 4,600,000 copies having been issued during the year under review, but the *Illustrated Choya Shimbun* had the largest receipts—*yen* 45,723.135, against *yen* 44,039.930 drawn by the *Yomiuri*. The circulation of the leading papers was *Nichi Nichi* 1,285,324; *Choya Shimbun*, [illegible]; *Hochi Shimbun*, 1,715,157; *Mainichi Shimbun*, 922,783; and *Jiji Shimpo*, 2,220,560.

Rec'd March 1, 86 cipher

Telegram (Cipher.)

Legation of the U. S.
Tokio, Feb. 27, 1886.

Bayard
Washington.

Secretary of Legation officially confirmed

Hubbard.

file

DEPARTMENT OF STATE
MAR 25 1886
RECEIVED.

Mr Everett

No 120

United States Legation.
Tokio Japan Mar. 1-1886.

Mr Hubbard,
To The Secretary of State.

Subject:
Acknowledge receipt of instruction No 38

No 120

United States Legation
Tokio Japan Mar 1 1886.

Hon Thomas F. Bayard,
Secretary of State,
Washington.

Sir,

I have the honor to acknowledge receipt of Your instruction No 38.

In compliance therewith, I have made application to the Minister for Foreign Affairs, for the necessary exequatur to be issued to Mr Nienstead as Vice and Deputy Consul of the United States at Osaka and

Hiogo

Diego. When received, the same, with his certificate of appointment to such position, will be duly transmitted to him.

I have the honor to be

Sir,

Your Obedient Servant

Richard B. Hubbard

Answd Mr Adee's draft April 5, 1886 Phelps

Mr Everett

3RD ASSISTANT SECRETARY
APR 1 1886

DEPARTMENT OF STATE
MAR 25 1886
RECEIVED.

No 121

United States Legation
Tokei Japan Mar 1 1886

Mr Hubbard.
To The Secretary of State

Subject:
Treaty Revision

Synopis:
Probationary feature of
British Memorandum in connection with Treaty Conference.

No 121.

United States Legation
Tokei Japan Mar 1st 1886

Hon Thomas F. Bayard,
Secretary of State,
Washington.

Sir;

I have the honor to acknowledge receipt of Your instruction No 39, transmitting for my information, a copy of a letter of the 28th Dec 1885, addressed by the secretary of the American Board of Commissioners for Foreign Missions, at Boston, to the President, which letter relates to the revision of existing treaties between

between the United States and Japan.

I have the honor to agree with the Honorable the Secretary of State, in his very proper estimation of the views expressed by these missionaries. While their expression, however, is a significant fact, coming as it does from a class of devoted men and women whose vocation is wholly antagonistic to the prevailing religious beliefs of non Christian countries; at the same time your suggestion, "that foreign govern-
"ments cannot be expected
"to forego their special
privileges

"privileges in the matter of
"jurisdiction, until abundantly
"satisfied that the native sys-
"tem to be substituted therefor,
"is efficient and secure"; - is
most appropriate, and in the
line of safe and conservative
diplomacy.

I am gratified also to have
the honor to agree with the
State Department, that a sud-
den and radical transition
in the near future, from Extra
- territorial privileges (as now
conceded to the friendly Treaty
Powers) to the present Comparative-
ly untried judicial system
of Japan, "would be largely
"experimental, and it is not
unreasonable

"unreasonable to provide for
"its probationary essay, as
"Great Brittain has heretofore
"suggested xxx — "

Respectfully referring to my Despatch No 23, which I had the honor heretofore to forward to Your Department, enclosing among other papers the specific draft for the "Revised Conventions" (No 34), with the accompanying "Memorandum" of the British Government on the subject of treaty revision. I have had no occasion since then, while earnestly seeking to be "just" to our own country while "generous" to Japan, to alter the opinions which I then expressed as to what position

the

the United States should take in the treaty conference.

Your Confidential instruction No 24 was approvingly responsive to the views and suggestions which at first, with great deference, I had the honor to submit to your Department. I then submitted, and beg again to reiterate in particular reference to the pertinent suggestions in your No 39 that ___ Throughout all the past discussions upon the revision of the treaties, covering more than a period of ten years, our country has by its liberal and advanced position, in recognizing the progress in intelligence, and national progress of this ancient

people

"people, bound Japan to the Uni-
"ted States with an earnest and
"grateful and lasting friendship.
"The proposition is well under-
"stood in Diplomatic circles
"and it is so declared, - to remain
"an open one offered by Japan,
"saying to the Great Powers, that
"whenever complete national au-
"tonomy is conceded to Japan,
"the Empire and all its ports,
"of the inland and the outer seas,
"shall be simultaneously opened
"to the people and commerce
"of all nations, - on terms of
"equal freedom, and of equal
"rights, as to person and prop-
"erty as conceded by all civiliz-
"ed nations under independant
treaties

" treaties. Realizing that the
" time may not yet be ripe for
" such recognition by other powers,
" her men in power ask, that
" pending this postponement of
" the day when the opening of
" the whole Empire to foreign
" commerce, and citizenship, and
" resumption of her normal polit-
" ical power, shall be inaugu-
" rated; that the intermediate
" period may be devoted to a tri-
" al and test - as heretofore suggested -
" of the capacity and disposition
" of Japan, to extend equal legal
" protection and justice to the
" people of other nations, who may
" reside in the territory designated,
" as well as to her own people. "

IX

It is not even remotely anticipated that the discussions at the approaching Treaty Conference will relate to any proposition looking to an immediate resumption of complete national autonomy by Japan; but rather have as its basis a similar, if not the same, "Memorandum" heretofore submitted by the British Government. It will be fortunate for Japan, and scarcely a risk even to any treaty power, if there can be unanimity of opinion as to the proper probationary feature of the Revised Treaties.

The new German Minister,

it

it is understood, will be at Tokio in a few weeks, and when he presents his credentials at Court, I know of no reason why the conference should not convene. We await, of course, the action of the Japanese government, whose Ministers have been for some time engaged in revising the Protocols submitted at the last conference; as well as endeavoring to reconcile the differences of opinions expressed at the preliminary conference of the Diplomatic Corps of 1885;- a resumé of whose proceedings I had the honor to submit with my Dispatch No 263 to the Department of State.

With

With your instructions as a guide, and with a watchful care for the interests of our own country (general and special) involved, I hope to be able to promote | and correctly represent both in the Treaty Conference.

I have the honor to be,
Sir,
Your Obedient Servant
Richard D. Hubbard

file

Mr Everett

DEPARTMENT OF STATE
MAR 25 1886
RECEIVED.

United States Legation
Tokio Japan March 2nd 1886.

Willis R. Whitney Interpreter
To the Secretary of State

Subject.
Return from leave of absence.

United States Legation

Yokio, Japan, March 2nd 1886.

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

I have the honor to report my arrival at my post of duty on the 24th ultimo, having left Philadelphia on the 16th of January last upon the expiration of the leave of absence granted me by the Department from October 20th last with permission to visit the United States where I arrived November 19th following. Thanking you for this leave of absence.

I have the honor to be, Sir,

Your obedient servant

Willis R. Whitney

Interpreter of Legation

W Everett
26

DEPARTMENT OF STATE
MAR 25 1886
RECEIVED.

Answered
Dept of State
acknowledges
March 27 86
Cipher

United States Legation.
Tokio Japan, March 2, 1886.

Mr Dun.

To the Secretary of State.

Subject:

Requests leave of absence, to visit the interior of Japan.

United States Legation.

Tokio Japan. March 2, 1886.

Hon. Thomas F. Bayard.

Secretary of State

Washington D.C.

Sir:

I respectfully request that, subject to the approval of the United States Minister in Japan, I be granted Forty (40) days leave of absence, commencing June 1st 1886, to visit the interior of Japan.

In this connection I beg to state that I have not been absent from my post of duty since the day of my entrance upon the duties thereof.

I have the honor to be

Sir

Sir,

Your obedient-servant

Edwin Dun,

Second Secretary of Legation.

Mr. Everett

3RD ASSISTANT SECRETARY
Ack by tel. & file.
MAR 27 1886

file

DEPARTMENT OF STATE
MAR 25 1886
RECEIVED.

No 122

United States Legation
Tokei Japan Mar 2. 1886.

Mr Hubbard
To the Secretary of State.

Subject:
Enclosing newspaper clipping discussing the recent extradition of Calvin Pratt.

No 122.

United States Legation,
Tokio Japan, Mar 2 1886.

Hon Thomas F. Bayard,
Secretary of State,
Washington

Sir,

I have the honor herewith to transmit for Your information - as exhibiting the interest still manifested in the discussion of the recent extradition case of Calvin Pratt - a leading editorial of the influential (English) Journal - the "Japan Mail" published at Yokohama.

The contention as heretofore

heretofore indicated in my despatches to Your Department, originates in the unofficial opposition of certain of the Treaty Powers, on the one hand, to the course pursued by the governments of the United States and Japan on the other, recognizing, as the latter nations do and did, the independent right of Japan to grant extradition of citizens or subjects of said treaty powers charged with crimes.

I have no comment or suggestion to offer and respectfully forward the enclosure as indicating

the

the character of the discussions on the subject.

I have the honor to be,

Sir,

Your Obedient Servant

Richard B. Hubbard

Enclosure, Clipping from Japan Daily Mail of Mar 2 1886 as above

Enclosure with Mr Hubbard's No 122.

EXTRADITION AND ITS CRITICS.

THE *Japan Gazette* writes upon the subject of the extradition of CALVIN PRATT in a manner which is not calculated to add much to public knowledge. Our contemporary appears to be sadly confused, and has managed to collect within the limits of a single article so many misconceptions and contradictions that he leaves his readers equally bewildered. In our issue of January 16th we explained in detail the diplomatic steps which preceded the arrest of CALVIN PRATT. They were very simple. The United States' Secretary of State, through the Japanese Representative in Washington, solicited the friendly offices of the Government in Tôkyô. A formal demand was not possible in the absence of an extradition treaty. While preferring this request, the Secretary of State was careful, therefore, to premise that reciprocity on the part of his Government must not be expected until such a treaty existed. Japan acceded to Secretary BAYARD'S request. There were no difficulties in her way, because extradition remains here what it used formerly to be everywhere, and what it is still in many Western countries, purely an act of State, which can be performed without any reference to treaties. The share taken in this proceeding by the local authorities in California was wholly subordinate. They merely forwarded the documents necessary to identify PRATT and to establish a *primâ facie* case against him.

Ignoring all these facts, published in Yokohama six weeks ago, the *Japan Gazette*, on the faith of some vague rumours which it finds in Californian journals, asserts that the American Government declined altogether to move in the matter, and that the Japanese Government acted in obedience to the "demand" or "request"—for in the loose phraseology of our contemporary the two terms appear to be synonymous—of "a private individual," preferred through the Japanese Representative in Washington, and "subsequently backed by an application from the Governor of California." The advisers of the Japanese Government are, therefore, censured for "admitting the Governor of California to diplomatic intercourse" with this Empire, and Japan is charged with "rushing in, rather than not have the notoriety of extraditing a criminal." We were not aware that the extradition of criminals is an act so evil as to render those performing it "notorious." But let that pass. Accuracy of expression would be too much to expect in such a context. The main point is that, the information upon which our contemporary's criticism is based being utterly erroneous, the criticism itself ceases to possess any value. The Government in Tôkyô moved in compliance with the request, not of a private individual, nor of the Governor of California, but of the United States Secretary of State, regularly preferred through the Japanese Representative in Washington.

We pass now to a more important aspect of the question. Our local contemporary finds much fault with the Japanese Government for failing to make capital out of the situation. He thinks that the wiser course would have been to abstain from rendering any assistance, and then to point to the resulting defeat of justice as a practical proof of the defects of the Treaties. By offering a happy asylum to PRATT, the supposed forger and swindler, and by conniving at the escape of AN TAI-JUK, "who is accused of a most atrocious murder," Japan would have obtained "the opportunity she wants to read her neighbours a solemn lesson." We leave the morality of this advice to speak for itself, and turn rather to the grounds of the *Japan Gazette's* contention. These are of a complicated character. Our readers, perhaps, will be able to unravel them. We are told, in the first place, that Secretary BAYARD declined to apply for PRATT'S extradition because "it is contrary to the policy of the United States to demand of courtesy from another nation a favour which it cannot reciprocate." We may observe, in passing, that it is contrary to the policy of most Governments to "*demand favours* of courtesy." Next, the Japanese Government is greatly blamed for ordering PRATT'S arrest and extradition. Japan is assured that "the granting of such a *favour* was impossible in the absence of treaty *obligations;*" that had she refused, "she would have scored a point in her favour as against all States, by showing that she intended to act up to her treaties, even if she did not like them;" and that "if, whilst so declining, she had referred the United States Government to its treaties with her, she would have scored another point against that particular Government, and would have been in a position to suggest that an extradition treaty should be entered into; a suggestion which the United States could not with a good grace refuse to adopt, and against the carrying out of which no other nation could raise a dissentient voice."

This, barring the looseness of phraseology indicated by our italics, is perfectly explicit. No more emphatic assertion could be penned that the Treaties confer on Foreign Powers no right of pursuing and apprehending, or calling upon the Japanese Government to pursue and apprehend, aliens flying to Japanese territory to escape the consequences of crimes committed abroad.

In the very next paragraph, however, our contemporary quotes the 9th Article of the Treaty between Japan and the United States; says of this Article:—"Here is a clear obligation by treaty to assist in the arrest of fugitives from justice," and tells Japan that if the United States Consuls are not endued with competence to perform the functions contemplated in the Treaty, she should retort:—"What is that to us, see thou to it! A duty has been imposed on Japan by treaty and that duty she will perform."

Our readers must not suppose that we are trifling. These extraordinary contradictions appear, just as we have stated them, in our contemporary's article. The writer, in one breath, talks of the impossibility of "demanding favours" in the absence of treaty "obligations," and in the next asserts that treaty obligations do exist. Japan would cut an interesting figure if she set about "reading her neighbours a solemn lesson" from a text so chequered as this.

To one more point in this curiously nebulous indictment, we will briefly allude. The Japanese Government is charged with "allowing the Courts of Japan to aid in the perpetration of an injustice" by "irregularly depriving PRATT of his chance of escape," and it is further deduced that "if a magistrate is obliged to take his instructions from a Minister of State in this matter, where it happens that there are no rules of procedure given for his guidance in the codes, it will also be the duty of the magistrate to break the express law of the land when required by a Minister of State." In other words, because the Executive steps in and, in the exercise of a prerogative which it has not yet delegated to the Judiciary, prevents the escape of a fugitive from justice, we are asked to infer that it may similarly step in under wholly different circumstances and cause the law to be violated for its own convenience. Can anything be more extravagant? What happened in PRATT'S case was this:—The Minister of Justice—not the Court of First Instance in Kanagawa, as the *Japan Gazette* wrongly states—issued a warrant for PRATT'S arrest, and a Court of Justice gave its services to determine whether the evidence as to identity was sufficient, and whether a *primâ facie* case existed. Precisely the same course would have been pursued in France or Germany, but because Japan pursued it to prevent the escape of a criminal, she is to be suspected, forsooth, of a disposition to disrespect law and play fast and loose with justice generally! It is weary work having to discuss these silly criticisms with any semblance of gravity. A writer who tells Japan that by allowing a swindler to escape, and by assisting the savage perpetrator of a double murder to go scot free, she might have had "the satisfaction of knowing that the position of an independent Power was acknowledged to be her right;" and who asserts that by ordering the arrest and extradition of these scoundrels, according to the very processes adopted in the most civilized countries of the West, she has "cast doubts on the integrity of her judiciary" and "retarded by several years the attainment of her ambitious hopes"—such a writer, seems to us to demonstrate nothing but the very blinding effects of his own prejudices.

To Navy.

Book to Navy Dept March 27/86

DEPARTMENT OF STATE
MAR 25 1886
RECEIVED.

Mr Lowell
26

No 123

United States Legation
Tokei Japan Mar 2 1886

Mr Hubbard
To The Secretary of State

Subject:
Enclose for use of the Secretary of Navy "List of the Japanese Light houses Light Ships Buoys and Beacons for 1886"

No 123

United States Legation
Tokei Japan Mar 2 1886

Hon Thomas F Bayard,
Secretary of State,
Washington.

Sir,

The Minister for Foreign Affairs of the Japanese government requests for the Minister for the Navy, that the United States Minister should forward the accompanying "List of the Japanese Light houses, Lightships, Buoys and Beacons for 1886", to the Honorable Secretary of the Navy of the United

States

States for the use of his department.

In accordance with said request, I have the honor herewith to transmit said enclosure through the Department of State for the purpose indicated.

I have the honor to be

Sir

Your Obedient Servant

Richard B. Hubbard

Enclosure separate as above

File

DEPARTMENT OF STATE
MAR 25 1886
RECEIVED.

Le Everett
No

No 124.

United States Legation,
Tokei Japan Mar 3. 1886.

Mr Hubbard,
To The Secretary of State.

Subject:
Acknowledge receipt of Instructions Nos. 38. 39. 40 and circular instructions of Jany 18-1886.

No 124

United States Legation
Tokei Japan March 3 1886.

Hon Thomas F. Bayard,
Secretary of State,
Washington.

Sir,

I have the honor to acknowledge receipt of your instructions numbered respectively 38. 39. 40. and circular instruction dated Jany 18. 1886.

I have the honor to be,
Sir,
Your Obedient Servant
Richard B. Hubbard

Requisitions

Asst. March 27.86.
Cir Ltr.

Requisition to Mr Griffin
March 27.86
Cir Ltr.

Mr Everett

26

DEPARTMENT OF STATE
MAR 25 1886
RECEIVED.

No 125

United States Legation.
Tokei Japan Mar 3. 1886

Mr Hubbard,
To The Secretary of State.

Subject:
Request for Stationery.

No 125.

United States Legation
Tokei Japan Mar. 3. 1886.

Hon Thomas F. Bayard,
Secretary of State
Washington

Sir,

I have the honor herewith to enclose list of stationery needed at this Legation and respectfully request that same be forwarded for use at this Legation

I have the honor to be,
Sir,
Your Obedient Servant
Richard B. Hubbard

Enclosure. In duplicate list as above

Inclosure with Mr Hubbards No 125

List of Stationery needed at the Legation of United States at Tokei Japan.

One ream department hard finished, unlined, despatch paper.

200 Envelopes, size 4^{in} x 9^{in}, linen-lined, addressed to State Department.

500 Envelopes size 4^{in} x 9^{in} linen lined not addressed.

Supply of lead pencils

One ivory handled scratch knife

One Stamp like impression below

To Treas[ury]

DEPARTMENT OF STATE
APR 7 1886
RECEIVED.

Mr Everett
8

No 126

✓ Two copies Treasury Circular No 9 '86

✓ Two copies Navy Circular No 9 '86

✓ United States Legation

Tokei Japan Mar 12 1886

Mr Hubbard

To The Secretary of State

Subject:

Enclose five copies of Public Notification No 9 of Department of Communication of Japan, referring to re-exhibition of permanent light off Satanomisaki.

No 126

United States Legation,
Tokio Japan Mar 12. 1886.

Hon Thomas F. Bayard,
Secretary of State,
Washington

Sir,

I have the honor to transmit herewith for your information, and for information of the Secretary of the Navy, five copies of "Public Notification No 9, of the Department of Communications" of the Japanese Government, referring to the re exhibition of a permanent light off Satanomisaki, which was

discontinued

discontinued during the
execution of the work on
the light house.

I have the honor to be,
Sir,
Your Obedient Servant
Richard B. Hubbard

Enclosure
Five copies of above
Notification

Send to Treasury
April 9 '86 Cir Ltr

Mr Everett
8.

No 127

United States Legation
Tokei Japan Mar 12. 1886

Mr Hubbard
To The Secretary of State.

Subject:
Foreign trade of Japan for the Month of December 1885.

1 Enclosure files in B. of 7.

7.

No 127

United States Legation
Tokei Japan Mar 2 1886

Hon Thomas F. Bayard,
Secretary of State,
Washington.

Sir,

I have the honor to transmit herewith for your information, and for that of the Honorable Secretary of the Treasury, two copies of the official return for the month of December 1885, of "The Foreign Trade of the Empire of Japan", from which it appears (table 1 page 1) that the total value of commodities exported

exported within said
month was: Yen 5.249.916.844
And value of import for the said
month was: Yen 2.560.528.055;
Showing that the former
exceeded the latter to the
amount of Yen 2.689.388.786,

It also appears
(table 6, pages 6 and 7) that the
value of Specie and Bullion
exported during the same pe-
riod was Gold: Yen 84.427.130, against
and Import of Yen 63.206.450; And
for Silver, an Export of Yen
816.102.263, against and import
of Yen 843.737.526.

I have the honor to be
Sir
Your Obedient Servant

Richard B. Hubbard

Enclosure As Above (Separate)

file

DEPARTMENT OF STATE
APR 13 1886
RECEIVED.

Mr. Everett
23

C. 0128 United States Legation

Tokio Japan Mar 19 1886

3rd ASSISTANT SECRETARY.
Ack by No. & file
JUL 22 1886

Mr Hubbard

To the Secretary of State

Subject:

The right of Japan to charge foreigners specific license on manufacturing industries; and the right of foreigners to claim protection of Trade Marks under Japanese Registry laws.

No 128.

United States Legation
Tokei Japan Mar 19 1886

Hon. Thomas F. Bayard,
Secretary of State,
Washington

Sir,

I have the honor herewith to transmit copies of a correspondence between His Excellency the Minister for Foreign Affairs and the U.S. Minister, involving the discussion of the question, whether under the existing Treaties and the well recognized doctrine of extra-territorial

jurisdiction

3, 8 & 4.

jurisdiction exercised there-
under, foreign citizens
or subjects residing with-
in the "open ports", may
be compelled to pay oc-
cupation taxes to the
Japanese Government?

I have presented the
subject temperately, and I
trust correctly, to the
Foreign Minister in my
reply of the 18th March,
to his dispatch calling for
the same.

The enclosures herewith
transmitted will fully ex-
plain the history of the
case, presented without
encumbering the record

by

by a repetition of the argument in this dispatch.

In this connection, however, I deem it my duty to explain the allusion made to "Trade Marks", in my acknowledgement of the Foreign Minister's dispatch on the subject of cuttle fish, as well as in his second and last dispatch on the same subject.

The explanation is as follows:- A prominent American house, "The American Trading Company", of Yokohama, had made formal complaint to me that certain

Japanese subjects had been, not only counterfeiting the "Trade Mark" of certain American manufactured goods; but had been with great ingenuity (so much so as to almost defy detection of the genuine from the counterfeit,) manufacturing the goods themselves preserving the exact shape, color, size &c. Thus this American trade in Japan had been injured and nearly ruined. On these statements, and with the evidence at hand, I asked the Japanese Government that these

American

American citizens, own-
ing and shipping goods under these Trade
Marks", might be allowed to
be registered in the Govern-
ment "Registry for Trade
Marks", on paying the
same fees and comply-
ing with the same con-
ditions required of Jap-
anese subjects.

This request was made
on the ground that their
"Trade Mark Notification
No 19" provides for such
registration, and that too,
without confining in
terms this privilege to
Japanese subjects. It was
with a desire, at least,

to

to get at this construction of a law which on its face, and by its terms applied to all persons desiring to register Trade Marks irrespective of Nationality.

The Government declined to allow such registry on any terms, for the reason that it would be a concession for which there would be no quid pro quo. That a subject or citizen of any Treaty Power might counterfeit the Trade Marks or the patented inventions of Japanese subjects in the "open ports" with impunity.

impunity; and that to grant my request for a registry would be to discriminate against Japanese subjects. I failed then and now to appreciate the soundness or the justice of the argument. I said to the Foreign Minister (and such I know is the view of the British Minister) that in such hypothetical case of counterfeiting by foreigners of Japanese Trade Marks or patented inventions —, our Consuls would not hesitate to enforce the analogous laws of our respective countries, against any

any American citizen or British subject in the open ports who should be found guilty of forging the names of persons (as in the case then presented) or counterfeiting as defined by our Home laws. This accounts for the reference to "Trade Marks" in our respective dispatches. It is a fact recurring to the main subject of this dispatch, that British subjects are engaged in Cuttle fish curing at Hakodate.

The British Minister received a similar request to which I have replied, and declines

declines to comply with said request, unless so instructed by His Government.

I am inclined to the opinion that the object of the Japanese Government in preferring this request, at this time, was possibly more with a view to call attention to the failure of the Treaties to place foreigners and Japanese subjects on the same footing as to taxation in the open ports; and with the hope that the approaching Treaty Conference may recognize in an authoritative way, the right of Japan

to

to impose a uniform tax upon all manufacturing industries, at least, irrespective of Nationality.

I express the hope that my position on this subject will meet the approval of Your Department.

I have the honor to be,

Sir,

Your Obedient Servant

Richard D. Hubbard

Enclosures-1: Count Inouye to Mr Hubbard Decq-1885.

2: Mr Hubbard to Count Inouye Dec 10 1885

3: Count Inouye to Mr Hubbard Mar 10. 1886.

4: Mr Hubbard to Count Inouye Mar 18. 1886

Enclosure No. 1 with Mr Hubbard's No. 128

Translation Copy.

No 76. Department for Foreign Affairs.

Tokio December 9th 1885.

His Excellency

Richard B. Hubbard.

Envoy Extraordinary and Minister

Plenipotentiary of the United States

of America.

Sir:

I have the honor to call Your Excellency's attention to a communication received from the Prefect of Hakodate, in which he informs me that Mr Warner, a citizen of the United States of America, having rented the premises of No. 14 Daimachi in the port of Hakodate and secured the services of a number of Japanese employés, so engaged in the preparation of dried cuttle-fish.

Japanese subjects who prepare dried cuttle fish at Hakodate

are

are required to pay certain taxes. Should an American therefore be allowed to carry on the business of drying cuttlefish without payment of the taxes, not only the Japanese subjects engaged in similar business would be eventually deprived of their occupation and would in consequence incur a very serious loss, but also the interest of the public revenue would be injuriously affected.

Under these circumstances I beg leave to request that Your Excellency will be so good as to use Your good offices in prohibiting Mr Warner from further engaging in the preparation of dried cuttle-fish.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest

Consideration

Consideration

(Signed) Count Ivonyi Karm

H. I. J. M's Minister for Foreign Affairs.

Enclosure No. 3, with Mr Hubbards No. 128
Copy.

No 48. United States Legation
Tokio Japan, 10th Dec, 1888.

His Excellency,
Count Inouye Kaoru.
H.I.J. M's. Minister for Foreign Affairs.
Sir:

I have the honor to acknowledge the receipt of Your No 76, presenting a complaint from the Prefect of Hakodate, that a certain citizen (Mr Warner) of the United States, was engaged in the preparation of dried cuttle-fish, and asking that the U.S. Minister may prohibit said Warner from engaging in the preparation of said cuttle-fish.

Your Excellency, I suppose, intended to say that this American citizen did not pay, or refused to pay, the same pro-rata taxes for the privilege of preparing this dried cuttle-fish as Japanese subjects

subjects are required to do in the same locality. Yet Your Excellency does not so say in terms, but recites a case indirectly and hypothetically as follows:- ××
"should an American, therefore,
"be allowed to carry on the business
"of drying cuttle-fish "&c." without
"paying the taxes" &c &c. then in
that event Japanese subjects
engaged in the business would
incur heavy loss, and the Japanese
Government revenue would be
injuriously affected. These
premises considered I am
requested to stop this American
citizen from engaging in the trade.
The inference is that he does not, and
has not paid his taxes. If he does
so pay them, I infer, of course, no
objection would be raised to his
prosecuting his business as he
pleased. Hakodate being an "open
port" under Treaty stipulations.
In reply I take pleasure in
assuring

assuring Your Excellency that I will examine into the question involved in Your respectful request, and also into the facts of the particular case presented, and if I can, under the present conditions comply with said request, it will be done.

I have no hesitancy in saying that equity and justice should (barring the consideration of the 'Extra-territorial' phase of this question) place the American and the Japanese resident on the same footing in this case as to taxes, and for just the same reasons that I hold on equity and justice a Japanese subject should not be permitted to counterfeit the "trade mark" as well as the article itself, manufactured by an American citizen, thus greatly injuring the business of said American citizen selling such articles in Japan.

I express the hope, that on mature

Examination

Examination I may find it consistent with my convictions of official duty to prevent this citizen from further engaging in this business (unless he pays taxes). The request however, requires Consideration.

In this connection your Excellency will pardon me for expressing the desire to hear what conclusion, if any, Your Excellency's Government has reached in the matter presented in my despatch No 43. asking respectfully if American citizens can avail themselves (by paying the usual taxes) of the Regulations protecting property rights in "Trade Marks" &c, in this Empire on due registry thereof.

I desire to renew the assurances of my highest Consideration.

(Signed) Richard B. Hubbard.

Enclosure No. 3 with Mr Hubbard's No. 138.

Translation Copy.

No 348. Department for Foreign Affairs

Tokio, March 10th 1886.

His Excellency

Richard B. Hubbard,

Envoy Extraordinary and Minister Plenipotentiary

of the United States of America.

Sir:

I have the honor to acknowledge the receipt of your Excellency's note of the 10th December last in reply to mine of the day previous, in relation to the industry of preparing dried cuttle-fish, which Mr Warner, a citizen of the United States, has recently established at Hakodate.

The inferences which you draw from my former communication on this subject are, in the main, correct. His Imperial Majesty's Government have no disposition to interfere with the prosecution, at the open ports by American citizens, of any legitimate enterprise, but

but they are unable to surrender the conviction, that every such enterprise should be subjected to the same taxation and regulations, as are enforced in the case of Japanese subjects engaged in identical pursuits.

I observe, therefore, with satisfaction Your Excellency's declaration to the effect that Equity and justice demand that Japanese subjects and American citizens, should be placed upon the same footing in respect of taxation upon industrial undertakings.

The reservation, however, which You make, with reference to the judicial stipulations contained in the Treaties between our respective Countries, renders it practically impossible to enforce those principles of equity and justice to which Your Excellency adverts.

Until such time as the foreign judicial systems in Japan are

are brought into complete harmony with the spirit of Japanese legislation, it is difficult to conceive of any plan whereby that equality between natives and foreigners engaged in similar occupations, which is essential to a healthy expansion of trade, can be obtained.

Even if it were possible as a general rule, to conciliate the private rights of foreigners with the public welfare in the matter of industrial pursuits, it is believed that an exception in the case of Hakodate would still be necessary, in view of the fact, to which I frequently invited the attention of Your Excellency's predecessor, that the Government of the United States have failed to appoint a Consul at that port to exercise the jurisdiction, which the Government of Japan surrendered to Your Excellency's Government.

Under these circumstances and without

without pausing at the present moment to consider whether the right to prosecute the business of preparing dried cuttle-fish for market, is a privilege which Japan has by treaty granted to citizens of the United States, it appears to me that the only course left open for His Imperial Majesty's Government to pursue, is for them to repeat the request contained in my note of the 9th. December last that Mr Warner may be prohibited from continuing the industry in which he is engaged.

I have replied under a separate Cover to Your Excellency's note of the 20th November last with reference to Trade-Marks, but as You allude to that subject in connection with the one under review, it may not be improper for me to add that the same conventional stipulations which render

render the request contained
in this communication imperative,
also prevent His Imperial Majesty's
Government from extending to
Foreigners the protection of the
Japanese Trade Mark Regulations.

I avail myself of this occasion
to renew to Your Excellency the
assurances of my highest
consideration

(Signed) Count Okuma & Kaoru.

H.E. J. Mc Minister for
Foreign Affairs.

Enclosure No 4 With Mr Hubbard No 128

Copy

United States Legation
Tokio Japan, Mar 18 1886.

His Excellency,
Count Inouye Kaoru,
H.I.J.M's Minister for Foreign Affairs,
Sir,

I have the honor to acknowledge receipt of Your despatch No 348, calling my attention to your former despatch, in which your Excellency made mention of the fact, as communicated by the Prefect of Hakodate, that a certain citizen (one Warner) of the United States was then, and had been, engaged in the business of curing and drying cuttle fish for sale, at Hakodate; and asking that the United States Minister in Japan would

either

either compel said Warner to pay a certain definite tax for such privilege to Your Excellency's Government, or on his failing or refusing to do so, to prevent him from further engaging in said occupation.

Your Excellency informed me that all subjects of Japan engaged in the same business, (drying cuttlefish) were compelled to pay a certain fixed tax to Your Excellency's Government, for the privilege or license of carrying on said occupation in the Empire.

Your Excellency also respectfully suggested as the reason for making this request, that to permit an American citizen to engage in this specific business without paying

the

the same tax as Japanese subjects do, or without paying any tax at all, would operate not only unequally and unjustly as against Japanese subjects, but tends to destroy the profits of said business, when carried on by said subjects, who are compelled by Your laws to pay said tax. Wherefore Your Excellency prefers the request, that the U.S. Minister should, as heretofore requested, either compel the American to pay such tax, or cease the occupation of drying cuttle fish entirely. I had the honor then to reply respectfully to Your Excellency, in my Despatch No 48, which I beg leave to respectfully repeat in substance; that as an original

proposition

proposition -: in the absence of any Treaty Conventions between Japan and the Treaty Powers, conceding to the latter the exercise of certain extra territorial rights and jurisdiction as therein specified equity and simple justice would demand that all citizens and subjects of the foreign Treaty Powers should pay to Your Excellency's Government the same taxes, for engaging in similar occupations, as Japanese subjects are compelled to pay. Your Excellency will recall the fact (as a reference to my despatch will officially attest,) that practical exercise and admission of such equity and justice was therein declared to be

Expressly

expressly qualified by the limitations of the Treaties concluded, and now in force for many years, between the Governments of Japan and of the United States.

It affords me pleasure to say to Your Excellency, that I still entertain the same opinion, subject to the qualifications then expressed.

I do not deem it necessary, at this time and at this late day, to enter into a discussion of either a strict or latitudinarian construction of the existing Treaties, which under the "most favored Nation Clause", in substance, makes the same concessions and reservations of rights and privileges to each Treaty Power. My conclusions, from

from a careful and conscientious consideration of those concessions and reservations, are that in the special case presented the United States Minister regrets to find himself without authority, expressed or implied, to comply with the respectful request of His Imperial Majesty's Government, as represented and expressed by Your Excellency.

The United States Minister exercises, as the Diplomatic agent of his country, no political or judicial powers, save those defined by the Statutes of the United States, enacted with especial reference and adaptation to China and Japan, and other countries where certain extra territorial jurisdiction is

recognized

recognized by Treaties
The judicial power, it may be added, which he exercises is purely appellate and not original.

The several Consuls of the United States are constituted as such, and authorized by the same statutes to exercise the functions of Courts of justice, having original jurisdiction in all criminal or civil causes, where citizens of the United States are defendants, irrespective of the Nationality of the plaintiff or the prosecutor, or where both parties are citizens of the United States, residing in the open ports of Japan.
All criminal offences committed by citizens of the United States against citizens of the United States, or against the subjects of Japan are cognizable only

only by the United States Consular Courts, under the laws of the United States, enforcing civil remedies, or inflicting criminal punishments, as applicable to such criminal or civil causes, and invoked by said Courts, as in the Judicial Tribunals of the Home Government. To exercise this power (as requested by Your Excellency's Government,) by the United States Minister, would be a judicial proceeding and not a political act; and for the former he is unable to discover any warrant, either in the Treaties, or under the Laws of the United States, applicable to extra territorial Countries. It would be (if such authority did exist,) the sole prerogative of the American Consul within the jurisdiction of

Hakodate

Hakodate as an "open port". The fact of there being no Consul of the United States at Hakodate, would not necessarily transfer (for want of any provision to that effect,) jurisdiction to the U.S. Minister. The U.S. Consul General at Kanagawa might exercise such jurisdiction. (though that power itself could only be exercised by analogy and at his discretion.) But that is a question for the Consul General to decide as an independent Court; and whose decisions the U.S. Minister may review, and correct if necessary, on appeal, if made under the laws.

It is hardly necessary to say to Your Excellency, that if the power should be

be assumed by me, to force this American citizen (Warner) to pay specific taxes, for the privilege of drying cuttle fish, the same would have to be done through legal methods, and recognized agencies; to provide for these both the Treaties and the laws are silent.

Again, if the power could be exercised at the discretion of the Minister, (and such discretion was given by Treaty and statute,) even then, unless the citizens and subjects of each of the Treaty Powers were subjected to the same treatment, the action of anyone Minister would be an invidious and unfriendly discrimination against his own countrymen,

while

while other Ministers allowed such privileges to their own subjects.
The Government of Japan would not expect such exparte action of any Treaty Power; and I am gratified to know that the years of unbroken friendship between our respective Governments, would forbid the expectation of any such invidious action on the part of the United States, toward her citizens resident in Japan, unless the same request was complied with by other nations as to their own subjects.

It is a fact that in Hakodate, and other open ports, subjects of other nations have been engaged, and are now engaged, in the manufacture of dried

dried cuttle fish; and in a number of other manufacturing and industrial pursuits, without the payment of any specific taxes to Your Government.

In Hakodate especially, my information is definite, that a subject or subjects of one of the great Treaty Powers is engaged in drying cuttle fish for sale; and in Yokohama and other ports, other industrial pursuits are likewise engaged in by foreign citizens and subjects without paying taxes. These subjects or citizens pay a stipulated "land tax" to Your Excellency's Government, and it is understood, besides this a certain agreed tax for municipal and local police

protection

protection. Besides these taxes it has certainly been the fact (whether conceded in theory I will not question) that for over thirty years, no specific taxes have been required by Your Excellency's Government of foreigners residing in the "open ports" for engaging in any manufacturing industrial, mechanical, financial, or any other legitimate pursuit not criminal in itself, or hostile to the Japanese Government.

To remedy, if possible, this long recognized status the Diplomatic Corps had the honor to receive from Your Excellency, in the year 1884, in a formal memorandum, the respectful suggestions that in the discussions of the next

Conference

Conference for the revision of the Treaties the following provision might in substance, at least, be inserted in the revised Treaties to wit: "His Imperial "Japanese Majesty Goovernment also wish it distinctly understood that "when foreigners engage in "or exercise any industrial "or manufacturing business "in the open or accessible "ports they shall, of course, "pay the same license taxes or dues "as Japanese subjects may be "required to pay under simi- "lar circumstances xxxx"

The U.S. Minister does not propose to indicate in advance his action, or the instructions of his Government, in the said Conference, further than to say here and

repeat

repeat the general views already expressed to Your Excellency; that common equity and good neighborhood should recognize the proposition, that foreign citizens and subjects should be required to occupy the same status, as to taxes, for all industrial pursuits involving the manufacture, in the open ports, of goods for sale in the home and foreign markets.

I indulge the hope that in such approaching Treaty Conference, the U.S. Minister may be able to congratulate Your Excellency's Government on the concession by Treaty of the equality of our respective peoples in this regard; as well as

in

in other respects -, a recognition of the advance of His Imperial Majesty's Government towards complete national autonomy, by all civilized nations.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration

(Signed) Richard B. Hubbard

one copy & 4 pam. pblctns to leg. pr. Com. & T. 15 Oct. 86

DEPARTMENT OF STATE
APR 13 1886
RECEIVED.

Mr Everett
14

No 129

United States Legation
Tokei Japan May 20 1886

Mr Hubbard
To The Secretary of State

Subject
Transmitting copies of the "Imperial Ordinance Relating to the Imperial University of Japan"

No 129.

United States Legation
Tokio Japan Mch 20 1886

Hon Thomas F. Bayard,
Secretary of State,
Washington.

Sir,

I have the honor to transmit herewith, at the request of the Minister for Education, two copies of the "Imperial Ordinance Relating to the Imperial University", translated and published by the Japanese Department of Education, for the use of the "Smithsonian Institution" -, or such other purpose

purpose as you may
deem propet.

I have the honor to be,

Sir,

Your Obedient Servant

Richard B. Hubbard

Enclosure; as above

transmit
original letter
C. M. Wiley Chief of Police Macon Ga.
Ap. 15. 86
acknowledged Ap 15 86

DEPARTMENT OF STATE
APR 13 1886
RECEIVED.

Mr. Everett
14

No 130.

United States Legation,
Tokei Japan, Mch. 20. 1886.

Mr Hubbard
To The Secretary of State

Subject:
Transmit correspondence from the Chief of Police, Tokio Japan, to the Chief of Police, Macon Ga.

No 130.

United States Legation,
Tokio Japan, Mch. 20 1886.

Hon Thomas F. Bayard,
Secretary of State,
Washington

Sir,

I have the honor, at the request of the Minister for Foreign Affairs, to ask you to transmit the within correspondence, to the party and for the purposes as therein designated.

I send the Dispatch unsealed for your inspection before posting to its destination at the

City

City of Macon, in the
State of Georgia.

I have the honor to be,

Sir

Your Obedient Servant

Richard B. Hubbard

Enclosures:

1: Count Inouye to Mr Hubbard
March 19 1886.

2: Chief of Police of Tokio Japan
to Chief of Police of Macon Ga.

Enclosure No 1
With Mr Hubbards No 130.

Translation Copy.

Department for Foreign
Affairs, Tokio, the 19th day,
the 3rd Month, the 19th year,
of Meiji

His Excellency,
Richard B. Hubbard,
Envoy Extraordinary and
Minister Plenipotentiary
of the United States of America,
Sir,

I have the honor
to enclose herewith a
letter from the Chief of the
Metropolitan Police, containing replies to inquiries
relative to police matters,
which were directly sub
mitted to him, by Mr
E M Wiley, Chief of Police
of

of Macon Georgia
United States of America,
and to request you, that
you will transmit the
same to the gentleman
addressed.

I avail myself of
this occasion to renew
to Your Excellency the
assurances of my high-
est consideration

(Signed) Count Iwouye Kaoru
H.I.J.M. Minister for
Foreign Affairs

DEPARTMENT OF STATE
APR 13 1886
RECEIVED.

Mr Everett

8TH ASSISTANT SECRETARY
Ack'd as directed Ap. 16
Copy to Com. For Affs. 86
APR 13 1886 Ap 16

No 131

United States Legation,
Tokio Japan, Mar. 22. 1886.

Mr Hubbard
To the Secretary of State.

Subject:
The non existence of a Consulate of the United States at Hakodate Japan.

No 131.

United States Legation.
Tokio Japan, Mar. 22, 1886.

Hon Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to respectfully call your particular attention to those portions of dispatches of the Japanese Foreign Office enclosed with my No 128 of 19th instant, calling my attention to the absence of any Consulate of the United States at Hakodate.

You will at once observe that the

the reference to this fact, by the Minister for Foreign Affairs, is evidently made in the spirit of complaint conveying his conviction that in consideration of the concession of Japan, made in opening certain ports to foreign residence and trade with extra territorial rights &c, the United States should in return have appointed and maintained Consuls to represent the Commercial as well as judicial interests of both countries.

May I be allowed to suggest that there appears to be some

some plausible cause for this complaint? For illustration: if an American ship seeks a cargo at Hakodate for shipment to the United States, the want of a Consulate at that port would be seriously felt to enable compliance with the Customs laws as to valuations &c, and all other necessary acts as required of our merchant marine by American Consuls in other ports of the Empire.

If an American resident at Hakodate (such is another argument of the Japanese Government) commits any

Criminal

criminal offence or becomes liable to any civil suit for moneys or damages, their bring no Consular courts at that port, the ends of justice, and one of the main objects of the Treaties in that regard wooned be defeated.

Even if such offences or civil causes of action are cognizable by the nearest American Consulate, (which is in the present case about five hundred miles by sea,) then the trouble and expense and time required would render any legal adjudication practically worthless

to

to the complainants and work like grievous hardship to defendants. The prefecture of Hakodate has over one hundred thousand inhabitants, and other Treaty Powers, with a few exceptions, have either Consuls or Consular Agents at said port. Some years since, the United States maintained a Consulate at this port. Why it was discontinued I am not advised; unless because the amount and value of our trade with that port at that date did not render the Consulate self sustaining.

I

I venture the suggestion very respectfully, that if a Consulate was re-established there our commerce with that port would soon increase, which is a consummation in our trade relations most desirable, aside from the possible graver considerations that under the spirit of our Treaties an obligation may possibly have been incurred to maintain a Consulate at this open port.

Hakodate is the main sea port of the Island of Yesso, which is next to Nipon, the largest island of

of Japan, and now being rapidly developed by immigration and the construction of railway systems.

I have made these suggestions respectfully and with due deference to your Department, whose action after this presentation has been made, will enable me to give in this connection such assurance as will either satisfy His Excellency the Minister for Foreign Affairs, or at least render any further reference to the non existence of a Consulate at Hakodate unnecessary in the premises.

I

I have the honor to be,
Sir,
Your Obedient Servant
Richard D. Hubbard

Requisition for 2 flags
Apl. 15. 86.
Acknowledged Apl 15 86
encl'd.

DEPARTMENT OF STATE
APR 13 1886
RECEIVED.

Mr Everett

No 32

United States Legation
Tokio Japan Mch 22 1886

Mr Hubbard
To the Secretary of State

Subject:
Request for two National ensigns for Legation

No 132 U.S. Legation

Tokio Japan

March 22 1886

Honorable Thomas F Bayard

Secretary of State

Washington D.C.

Sir;

I will be obliged if your Department will send to this Legation two large size national Ensigns. The old ones forwarded several years ago to my predecessor have been hard service flying from the Legation Flag Staff right on the sea side noted for gales and storms.

I have the honor to be

Sir

Your Obedient Servant

Richard B. Hubbard

Transmit

DEPARTMENT OF STATE
APR 13 1886
RECEIVED.

Mr Everett
14

No. 133.

Forwarded Apl. 13 1886 Editor

United States Legation.

Tokio Japan, March 22, 1886.

Mr Hubbard

Ts the Secretary of State.

Subject:

Daily weather reports for October, November and December 1885, and January February and part of March 1886.

No 133. United States Legation,

Tokio Japan, March 22, 1886.

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

I have the honor to transmit herewith for the information of the "Signal Service Bureau" of our Government, the daily weather reports, for the months of October, November and December 1885; and January, February and a portion of March 1886, of the Imperial Japanese Meteorological Observatory of Tokio Japan.

I have the honor to be

Sir,

Your obedient-servant

Richard B. Hubbard

Enclosure. - Separate.

As above.

DEPARTMENT OF STATE
APR 26 1886
RECEIVED.

3rd ASSISTANT SECRETARY
Ack by No. & file
Refer to Mr. Kuchlocfer
APR 27 1886

Wt Everett
28

No 134

United States Legation
Tokio Japan Mar 23 1886

Mr Hubbard
To The Secretary of State

Subject:
Bill of exchange drawn on the Secretary of State for rent of Legation buildings.

No 134.

United States Legation.

Tokio Japan, Mar. 23. 1886.

Hon Thomas F. Bayard,
Secretary of State,
Washington.

Sir,

Under and by virtue of former Department of State instructions to my predecessor, authorizing contract dated Dec 21st 1883 for renewal of lease of Court House and Jail in Yedo (Tokei), as shown by instructions of the Secretary of State No 797 dated January 23rd 1884

1884, I have drawn my bill of exchange on you dated March 19th 1886 at fifteen days sight, for the Three Thousand Four Hundred Dollars ($3400.), in payment of the rent due March 15th 1886 under said renewed contract of lease, which bill is payable to the order of Susan Cytheria Twombly, sole executrix of the late Jno Fogg Twombly, and have delivered the said bill to Thos. F. McGrath, the duly authorized attorney for the said executrix, whose receipt therefor in

triplicate

triplicate has been delivered to me by Mr McGrath.

The first of which receipts I have the honor to transmit herewith, together with the statement of the account for the rent so paid by said draft under said renewed contract of lease.

I will transmit the duplicate receipt in a future dispatch, and reserve the triplicate for my files.

I have the honor to be,

Sir,

Your Obedient Servant

Richard B. Hubbard

Enclosures 1: Original receipt as above 2: Statement of account as above

file

Mr. Everett
28

No 135.

United States Legation
Tokio Japan, Mar. 23. 1886.

Mr Hubbard
To the Secretary of State

Subject:
Acknowledge receipt of
Instructions Numbered 41. 42
and 43

No 135

United States Legation
Tokio Japan Mar 23. 1886

Hon Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor
to acknowledge receipt
of Your instructions
numbered respectively 41.
42. and 43.

I have the honor to be,
Sir,
Your Obedient Servant
Richard B. Hubbard

Prize testimonials
See Report 187 of Diplom. Bureau
" Orders 201 & 202 " "
4 May 1886.

DEPARTMENT OF STATE
APR 26 1886
RECEIVED.

No 136

Mr Everett
18

United States Legation
Tokio Japan March 1 1886

Mr Hubbard
To The Secretary of State

Subject:
Transmit correspondence concerning names of Japanese who rescued American seamen wrecked in Cashmere

No 136 U. S. Legation
Tokio, Japan,
March 29. 1886.

Hon Thomas F. Bayard
Secretary of State
Washington, D.C.

Sir:

Referring to your Instruction No. 34 - dated Dec. 10th 1885 - which I have had the honor heretofore to acknowledge, I respectfully inclose herewith copies of a Correspondence, relating and responsive, to the Enquiries made by your Department - in said Instruction -

Your attention is especially and respectfully directed to the letter of the Governor of Hiogo. Ken. and accompanying statement - as indicating who are the proper parties to be rewarded - with some suitable -

testimonial

testimonial of the appreciation of the United States' Government for the friendly and generous action of those Japanese subjects, who rendered great service to the Shipwrecked American Seamen of the bark "Cashmere", on 9th September 1885, off the island of Tanegoshima in the province of Kagoshima —

I have the honor to be, Sir,

Your Obt Servant

Richard B. Hubbard

Enclosures,

No. 1. Mr Hubbard to Mr Henstead
January 14th 1886.

Nos. Mr Henstead to Mr Hubbard,
with sub Enclosures 1, & 2. March 25. 1886

Enclosure No. 1. with Mr Hubbards No. 136.

Copy.

No 84. United States Legation

Tokio Japan, Jany. 14th 1886.

H. J. H. Neustead Esq.

United States Vice Consul

Hiogo and Osaka

Sir.

I herewith transmit you a copy of instruction No. 34, received from the U. S. Department of State, from which you will observe I am instructed to have proper enquiries made to ascertain such native Japanese subjects as rendered most conspicuous and praiseworthy aid to the shipwrecked sailors of the "Cashmere" to whom reference is made in the instruction from Washington.

The

The despatches and Enclosures forwarded to Mr Secretary Bayard by Ex-Consul Patton, and which explain fully the ground on which this instruction "34" is formed, are numbered respectively 90, and Enclosure, and 87 and Enclosure, originals of which are on file in Your Consulate.

You will therefore please carry out the wishes of the State Department, if it is in your power, and forward reports thereof to this Legation.

I am Sir

Your obedient servant

(Signed) Richard B. Hubbard.

Enclosure.

Instruction No 34, from Dept. of State.

dated Dec 10, 1886.

Enclosure No 2
With Mr Hubbards No 136
Copy

No 108.

United States Consulate
Osaka and Hiogo Japan
Hiogo March 25. 1886

H. E.,
Richard B Hubbard,
E. E. and M. P. of the U. S. of America
Tokio.

Sir,

In further reply to your No 81. dated the 11th of January last, wherein you request me to make the necessary inquiries to ascertain the names of such native Japanese subjects as rendered most conspicuous and praiseworthy aid to the shipwrecked sailors of the "Cashmere". I

have

have now the honor to transmit herewith inclosed a copy of a letter received by me this day from the Governor of this Kon together with a statement which I trust will give you the desired information

I have the honor to be,
Sir,
Your Obedient Servant
(Sgd) F. J. St Nicholas
U. S. Vice Consul

Two inclosures as above

Sub. enclosure 1 with Mr Nienstead's 108

Translation Copy

Hiogo Kencho

Kobe The 25th day 3rd Month

19th Year Meiji

F. J. S. Nienstead Esq

U. S. Vice Consul

Sir,

I beg to acknowledge the receipt of your favor No 25 dated the 25th Jany requesting me to inform you the name and residence of such native Japanese subject as rendered aid to wrecked sailors of American bark "Cashmere"

Having received a reply from Kagoshima Ken to my inquiries, I have the honor to inform you that the names of Japanese are Iwatsubo Heigemon and

Fumito

Furuta Sadokichi, the further particulars of their residence &c you will perceive from the statements annexed hereto

I have the honor to be
Sir
Your Obedient Servant
(sgd) Utsumi Tadakuni
Rei of Hiogo Ken

sub enclosure 2 with Mr Mentes's 108

Statements

On the 15th September of last year at 6 a.m (about) Iwatsubo Heiyemon (shizoku), residing at No 152 Yamashiro Mura Tanegashima Kumagegori Oosumi, having seen seven American shipwrecked men at the place commonly called Maye Toko in the aforesaid village, in a disastrous state, their limbs injured, thoroughly worn out and dispirited, brought them to his house and kindly supplied them with food, and afforded them every necessary assistance.

On the 20th September of last year at 11 P.M. (about) Furuta Sadakichi

(commoner)

(Commoner), residing at
No 35 Seki Mura, Tafiga-
shima Kumage-gori Ommi,
went out fishing to the place
commonly called Hama-
waki ibo the aforesaid vil-
lage, and hearing cries
for help, went forward
and found the five
American seamen nerew
a distatrous state among the
rocks, being beaten by violent
waves; having at the risk
of his own life, rescued
them he brought them to
his own house and sup-
plied them with food &c

DEPARTMENT OF STATE
MAY 5 1886
RECEIVED.

United States Legation
Tokei Japan Mar 3 1886

No 1

Mr Mansfield
To the Secretary of State

Subject
Transmitting accounts

United States Legation
Tokio Japan Mar 31 86

Hon. Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to transmit herewith my account for salary for the fractional quarter commencing Feby 1st 1886, the date of my arrival at my post, and ending March 31st 1886 inclusive; being 59 days at $2625.00 per annum $430.20, for which I have made my drafts on Mess Brown Shipley & Co, London, of dates March 1st, and March 31st respectively; for 40£ and 48 8 8

respectively

respectively, on which there was a loss by exchange of 1.47 and 1.08 respectively, according to the enclosed account, and to enclosed voucher properly signed by "Chartered Bank of India Australia & China" and by myself; which loss by exchange I have carried forward to end of fiscal year.

I have the honor to be,

Sir

Your Obedient Servant.

Frederick S. Mansfield

Secretary of U.S Legation in Japan

Enclosures: 1 account for Salary.

2. Account for loss by exchange

3 Voucher for loss by exchange

Mr. Everett
28

Returns for B. P. Health
Ap. 30. 86
cities

No. 137.

United States Legation
Tokio Japan March 31st 1886.

Mr. Hubbard
To the Secretary of State

Subject-
Transmitting Tokio Mortality Returns
for October, November and December 1885.

No. 137 United States Legation

Tokio Japan March 31st 1886.

Hon. Thomas F Bayard

Secretary of State

Washington D.C.

Sir:

Herewith I have the honor to transmit for the information of the Medical Bureau of the War Department translations of the weekly Returns of the Mortality of the City of Tokio for the months, October, November and December last,

I have the honor to be

Sir,

Your obedient servant

Richard B. Hubbard

Enclosure – Mortality Returns of City of Tokio

DEPARTMENT OF STATE
MAY 5 1886
RECEIVED.

3rd ASSISTANT SECRETARY
acted. May 12 86
MAY 10 1886

Mr Everett

11

United States Legation

Tokio, Japan, April 7th 1886.

W. N. Whitney, Interpreter of Legation

To the Secretary of State

Subject.

Salary account for quarter ended March 31st 1886.

Mr. Adee Very good adv

I would recommend that in sending a letter of credit to Whitney, we ask him whether in view of the loss by exchange on drafts on London which he reports, it would not be preferable in the matter of economy to draw on the Secretary of State instead of on London, and if not why not. His answer would enable us to intelligently consider a proposition which has recently been made to us to establish a financial agency in the East.

Yrs &c. F.T.F.K.

3RD ASSISTANT SECRETARY
NOV 10 1886

Mr Whitney may draw his drafts as the others do.

adh

United States Legation,

Tokio, Japan April 7th 1886.

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

Herewith I have the honor to inclose my statement of Salary account for the quarter ended March 31st 1886, together with the Bankers Certificate shewing loss by exchange on my salary drafts. The balance due the Government from last quarter and occasioned by a gain on exchange in a previous quarter, has been reduced to $4.52 by reason of the above mentioned loss on exchange on the drafts for the quarter under account. This balance has been carried forward, and will be settled in my accounts for

Current

current quarter.

Having been informed that some of the members of this Legation have been directed to draw their drafts for salary etc, upon Messrs Brown Shipley & Co. of London, instead of upon Morton Rose & Co, I have the honor to request that I may be directed to draw upon the first-mentioned firm if such change has been made of the Government bankers.

I have the honor to be

Sir

Your obedient servant

Willis R. Whitney

Interpreter of Legation

Enclosure - Statement of Salary account for quarter ended March 31st 1886, with bankers certificate

file

DEPARTMENT OF STATE
MAY 5 1886
RECEIVED.

Mr Everett
6

No. 138.

United States Legation,
Tokio, Japan, April 9. 86.

Mr Hubbard
To the Secretary of State.

Subject:
Acknowledge reciept of Instructions Nos 44 and 45 and 46

No 138

United States Legation
Tokei Japan April 9. 86

Hon Thomas F Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to acknowledge receipt of your instructions Numbered respectively 44 and 45 and 46.

I have the honor to be
Sir
Your Obedient Servant
Richard D Hubbard

DEPARTMENT OF STATE
MAY 5 1886
RECEIVED.

No 139.

United States Legation,
Tokei, Japan, April 9. 1886.

Mr Hubbard
To the Secretary of State.

Subject:
Transmitting duplicate accounts and receipt for rent of Court House and jail.

Dm filed

No 139.

United States Legation
Tokio Japan April 9. 86

Hon Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

In my Dispatch No 134.
I had the honor to transmit
original statement of account
for rent of Court House and
jail in Tokei for one year,
from March 16 1885, to March 16 1886
inclusive, which lease had
been renewed by my predeces-
sor under and by authority
of former Department of State
instructions; and also orig-

inal

inal receipt, signed by Mr Thomas F. McGrath, attorney for Susan Cytheria Twombly, sole executrix for Jno Fogg Twombly, for three thousand four hundred dollars U.S. gold, for which amount I then had the honor to inform you. I had made my bill of exchange at 15 days sight, on the Secretary of State, payable to the said Susan Cytheria Twombly, sole executrix for Jno Fogg Twombly, dated March 19.

I now have the honor to transmit herewith duplicate account for rent of Court House and jail

for

for which said draft was given; and also duplicate receipt for said draft.

I have the honor to be,

Sir,

Your Obedient Servant

Richard B. Hubbard

Enclosures: 1 Duplicate Statement of account for rent of Court House and Jail

2 Duplicate receipt

DEPARTMENT OF STATE
MAY 5 1886
RECEIVED.

United States Legation
Tokio Japan. April 12, 1886.

Mr Dunn.

To the Secretary of State

Subject:

Statements of accounts for 1st quarter of 1886.

United States Legation.

Tokio Japan, April 13, 1886.

Hon. Thomas F. Bayard.

Secretary of State

Washington D.C.

Sir:

I have the honor to enclose herewith statement of my account for salary for the quarter Ending March 31, 1886, and statement of my account for loss by Exchange for the same quarter, together with Exchange Vouchers signed by the Manager of the Hongkong & Shanghai Banking Corporation and myself.

You will please observe that in my account for loss by Exchange, I have debited the United States with $10.97, which was entered in my account for salary for the 4th quarter

quarter of 1886, as "Balance due me from the "United States," The said sum of $10.97 is the loss by Exchange on my former drafts, Vouchers for which have accompanied former accounts rendered, and which accounts have been approved by the Department and First Comptroller of the Treasury

I have the honor to be

Sir

Your obedient servant

Edwin Dun

Second Secretary of Legation

Enclosures

1. Account for Salary for 1st quarter 1886.
2. Account for Loss by Exchange and
3. Vouchers for same

3rd ASSISTANT SECRETARY
Ack by No. & file
MAY 5 1886

file

DEPARTMENT OF STATE
MAY 5 1886
RECEIVED.

No 140

Mr Everett
6

United States Legation,
Tokei, Japan, April 12 1886.

Mr Hubbard
To the Secretary of State

Subject:
The refusal of Ensign Foulke U.S. Charge d'Affairs at Seoul to become the channel of secret correspondence between Japan and Korea at the time of the rumored expedition from Japan on Korea.

No 140

United States Legation,
Tokei, Japan, April 12, 86.

Hon Thomas F. Bayard,
Secretary of State,
Washington,

Sir

I have the honor to acknowledge receipt of your No 44 "Confidential" Instruction. No reference has been made, even remotely, to the discreet refusal of the U.S. Charge De Affairs ad interim at Seoul, to be made the channel of any secret correspondence between the Governments of Korea and

Japan

Japan. At the time of the late reported expedition of certain Japanese and exiled Koreans from Japan to Korea, with hostile and revolutionary intent, I had the honor to report, in my No 84. of Dec. 18. 1885, the facts of the case, as then related to me at the Foreign Office at Tokei, and by the Chinese Minister to Japan. I then advised your Department, that in my opinion it would all turn out to be a sensational alarm, (to which Chinese officials in the East appear to be often the unfortunate victims,)

and

and would eventually prove to be in the sequel a mere "tempest in a tea pot".

This opinion has been fully verified. There was in truth no expedition, and no attempt at any hostile or revolutionary movements on Korea. China and Japan, I am quite convinced, have at last begun to see that their mutual interests lie in the direction of preserving in good faith the integrity of Korea, against the possible designs of those great and well known Western Powers, whose possessions in Asia and traditional thirst for

more

more, might at some future day seriously menace the independence of Korea, and the consequent peace of China and Japan.

There may be some remaining jealousies between these two principal Oriental nations growing out of their former troubles; but the "Treaty of Tientsin", fairly and definitely, I think, settled the fact, as the wise future policy of both Governments, that a Common Suzerainty should be maintained toward Korea, backed by a common conviction that their own territorial integrity

respectively

respectively demanded the cultivation of good neighborhood and a common union of interests against undisguised apprehensions of danger from Western Nations.

Should Count Bronye ever have occasion to allude to the secret Correspondence to which I am referred, and which I have received with Your instructions No 44, Your suggestions shall be adopted as fully indicated in Your said Instruction.

I have the honor to be,

Sir,

Your Obedient Servant

Richard D. Hubbard

DEPARTMENT OF STATE
MAY 5 1886
RECEIVED.

No 140.

United States Legation
Tokio Japan, April 12, 1886.

Mr Hubbard
To the Secretary of State.

Subject:

Mr Hubbards Statements of Accounts for salary, Contingent Expenses and loss by Exchange, for 1st quarter of 1886.

No. 146 United States Legation.

Tokio Japan, April 12. 1886.

Hon. Thomas F. Bayard.

Secretary of State

Washington D.C.

Sir:

I have the honor to enclose herewith statements of my accounts for the quarter ending March 31st. 1886, as follows:—

3/

Statement of account for salary

Statement of account for contingent expenses accompanied by abstract and eleven vouchers duly signed.

Statement of account for loss by Exchange with Exchange voucher signed by the Agent of the "Chartered "Bank of India Australia and China," and myself.

Under

Under dates of Febry 1st and April 1st 1886, as shewn in the account, I had the honor to draw on Brown, Shipley & Co., for my salary then due, viz £ 207.14.5½ and £ 408.14.8¾ respectively, in all £ 616.9.3¼ = $3100.00 U.S. gold.

On March 8th I drew on the same Bankers for contingent expenses, for the said first quarter, for the amount of £ 43.13.4 = $213.62 U.S. gold; and on April 1st 1886 I had the honor to draw my draft on the Secretary of State, for the sum of $33.04 U.S. gold, the amount of loss by exchange on my drafts above mentioned, as shewn by account for loss by exchange herewith, and also, you will please observe, the loss by exchange on my draft for salary in transit for £ 207.19.5 dated July 1st 1885,

my

my account for which together with appropriate Exchange Voucher, I had the honor to enclose with my dispatch No. 105, of date July 2nd 1885.

I have the honor to be

Sir

Your obedient servant

Richard B. Hubbard

Enclosures.

1. Statement of account for salary.
2. " " " " Contingent Expenses, with abstract & Eleven Vouchers.
3. Statement of Account for Loss by Exchange, with Exchange Voucher.

M

Requisitions

Requisition May 7 1886
acted. May 7/86
Circular

DEPARTMENT OF STATE
MAY 5 1886
RECEIVED.

Mr Loomis
5

No 142.

United States Legation
Tokio Japan, April 12, 1886

Mr Hubbard, to the
Secretary of State

Subject:
Requisition for "Account Blanks"

No 142. United States Legation.

Tokio Japan, April 12, 1886

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

I have the honor to make requisition for a full supply of "Statement of account" blanks, for Salary, Loss by Exchange and Contingent accounts.

I have the honor to be

Sir

Your obedient servant

Richard B. Hubbard

DEPARTMENT OF STATE
MAY 17 1886
RECEIVED.

No. 143

United States Legation
Tokio Japan, April 20, 1886.

Mr Hubbard
To the Secretary of State.

Subject.
Duplicate statements of accounts
for first-quarter of 1886.

No. 143. United States Legation.

Tokio Japan, April 20. 1886

Hon. Thomas F. Bayard

Secretary of State,

Washington D.C.

Sir:

I have the honor to enclose herewith duplicate Statements of my accounts for the quarter ending March 31st 1886, as follows:-

Statement of account for salary.

Statement of account for Contingent Expenses accompanied by abstract and eleven vouchers duly signed.

Statement of account for loss by Exchange with Exchange voucher signed by the agent of the "Chartered Bank of India, Australia

"Australia and China" and myself.

I have the honor to be

Sir

Your obedient servant

Richard B. Hubbard

Enclosures.

(1). Statement of account for Salary.

(2). Statement of account for Contingent Expenses, with Eleven vouchers.

(3). Statement of account for loss by Exchange, with Exchange Voucher.

DEPARTMENT OF STATE
MAY 17 1886
RECEIVED.

3rd ASSISTANT SECRETARY
MAY 18 1886

Ack'd as interesting May 1886 cir'd Ex.

W. Everett 18

No 444

United States Legation,
Tokei, Japan, April 20. 1886.

Mr Hubbard
To the Secretary of State.

Subject:
Transmitting pamphlet entitled "American versus English Methods of Bridge Building."

No 144

United States Legation
Tokei Japan April 20. 1886.

Hon. Thomas F. Bayard
Secretary of State,
Washington,

Sir,

Knowing, as I do, the interest and pride which you cherish in your own behalf, and especially in your representative capacity in the useful contributions to science and civilization of all American citizens residing in foreign lands, I take pleasure in forwarding herewith a series of letters entitled

"American

and especially distinguish-
ed in his special depart-
ment of science left by
the last American steamer
to make his permanent home in United States.

Our country can find
room for the coming
of such men —, who
will be as useful in America
as they have been honored abroad.
I have the honor to be
Sir
Your Obedient Servant
Richard B. Hubbard

Enclosure: Separate asabove

DEPARTMENT OF STATE
MAY 17 1886
RECEIVED.

ASSISTANT SECRETARY
MAY 18 1886

Acted. memo add ✓
May 20 '86 Cr'd.

Mr Everett

No 145 To Petroleum Exchange Ny ✓ 19
May 21 1886 Cr'd

United States Legation,
Tokei, Japan, April 20, 1886.

Mr Stubbard

To the Secretary of State

Subject:

The "confidential" note of Count-Inouye — saying His I. J. Mc Government has determined on a standard of 1157 for Kerosene oil

No. 165

United States Legation,
Tokei, Japan, April 20. 1886.

Hon Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to direct your attention to the copy herewith of an official communication (marked "confidential") from His Excellency, the Japanese Minister for Foreign Affairs, in relation to the standard of petroleum for illuminating purposes.

It is now believed that this

this question, which the records of the State Department disclose to have been the subject of earnest discussion at times between our respective Governments during the recent decade, now approaches a final settlement.

Referring in this connection to my numbers 37 and 44, in which I had the honor to report to my Government the then proposed change of the standard test of Kerosene by the Japanese authorities, and my respectful but earnest and decided opposition

and

and protest to such change to a higher standard (120° Farenheit) than had ever been required before. —— I recall the gratification experienced by myself, on receiving your official assurance, that my course was approved in that discussion, and expressing the hope that there would soon be a definite settlement of this question of standard. Your Department will also recall the fact, which I deemed it my duty to report to my Government, though communicated in a private and confidential conference, that

a

a proposition was very clearly made, (though couched in words of cautious diplomacy,) that if the United States Minister would intimate that no opposition would be made by him to the proposed change in the Tariff, to which all the Treaty Powers (save our own) had already given their approval in the Treaty Conference of 1882, that then the standard of 115° burning test, or 68° closed test, would become the fixed standard of Japan. I then decidedly repelled such proposition

respectfully

respectfully, but with such emphasis as to prevent its ever more being repeated.

In view of these discussions and of this occurence especially, and of your subsequent emphatic endorsement of my course in the premises, of which the Japanese Foreign Office was duly advised, I think the inference may well be drawn that there is going to be an end of this controversy, which has so long created uncertainty and even insecurity in the petroleum export trade of the United States to Japan,

and

and which constitutes, in fact, nearly two millions in value of our entire export to this Empire.

I have full faith in the present Government of Japan, and especially in the Minister for Foreign Affairs. At the same time, inasmuch as the day fixed for the convening of the Treaty Conference is the first day of May 1886, and near at hand; and inasmuch as that ancient Classic caution: "I fear the Greeks bearing gifts &c" may still be wisely invoked even in the Orient,

I

I shall be quite certain to respectfully express the opinion - if such expression becomes necessary by a delay to fulfil the promise - that it would be very agreeable, and an eminently proper act to my Government, to make known that the ordinance fixing a permanent standard for Kerosene, be promulgated to all the Treaty Powers before any definite action is taken in the Conference on the Tariff Protocol, which proposes a very considerable increase of the present duty imposed on Kerosene Oils. If complete Autonomy as a Treaty making

Power

Power should be demanded
in the Conference by Japan,
(which will not be) then the
reference made by me to Tariff
Drafts would be inappro-
priate. But inasmuch
as Japan will only ask for
the concession of the power
to increase her import duties,
by mutual consent of the
Treaty Powers, then as you
have clearly indicated in
my Instructions "Confidential",
it will be my duty to see
that no unfair discrimina
tion is made against our
largest American export to
Japan, by raising both stand
ard and the tariff to a higher

figure than at present is imposed on that product. Petroleum might be exported hither possibly under the addition of one or the other of these exactions, but it could not bear both at the same time.

Reiterating the hope that our interests in this regard will have ample protection

I have the honor to be,

Sir,

Your Obedient Servant

Richard B. Hubbard.

Enclosure Count Inouyes confidential note of April 9

Enclosure with Mr Stuttard's No. 145

Copy

Confidential

Foreign Office,
Tokio, apr. 19. 1886.

My Dear Sir,

Referring to our several interviews and to the corrispondence which has passed between this Department and the Foreign Representatives, with reference to the subject of the proper standard of petroleum for illuminating purposes, I have much pleasure in informing you that H. I. J. M's Government have determined to adopt as a fixed standard 115° Farenheit burning test, or 68° Farenheit by the closed flashing process.

The Regulations bearing

ing upon the subject are now in course of preparation, and upon their promulgation, I shall in due course notify you and your colleagues through the usual channel. I have, however, deemed it proper to anticipate that event by notifying you unofficially in advance of the fact, because the interests of Your Country are more intimately concerned than those of any other Power, and I felt sure it would be a source of satisfaction to you to learn of the final settlement of the question in a manner which I cannot doubt will be entirely acceptable to Your Government.

I am, Dear Sir,
Your Obedient Servant.

(signed) Jno. Hay

DEPARTMENT OF STATE
MAY 17 1886
RECEIVED

2nd ASSISTANT SECRETARY
Acknowledged with gratification.
Copy to For. Affs. Committee
MAY 19 1886

May 19 Mr Everett
86, Cen Ter 18

No 446.

United States Legation,
Tokio, Japan, April 24, 1886.

Mr Hubbard
To the Secretary of State

Subject:
The proposed gift of grounds by Japanese Government to the United States for Legation building.

No 146.

United States Legation,
Tokei, Japan, April 2d. 1886.

Hon Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

On the Nineteenth instant, the Minister for Foreign Affairs, during an interview had at the American Legation, sought by His Excellency, called my attention to the reported recommendation of a Bill by the Committee on Foreign Relations of the U.S. Senate, authorizing the acceptance

of

of the proposed property gift of land by Japan to the United States, for Legation purposes at Tokei, and appropriating Twenty-Five Thousand Dollars to erect necessary buildings. He manifested much interest in this initial movement, and expressed the earnest hope that the Bill as reported by the Senate Committee might become a law at an early day.

His Excellency voluntarily informed me of the location of the grounds which his Government desired to appropriate to this use in fee

simple

simple. He further expressed the intention of his Govern-ment to have such grounds in all respects acceptable to the United States, and to be governed by the choice of their Agent here, in the event the selection of such grounds became a neces-sity by the acceptance of the proposed gift.

I took occasion to thank His Excellency, and through him His Imperial Majesty's Gov-ernment, for the most gen-erous and friendly interest manifested in this behalf; and that I would take the earliest occasion to inform

my

my Government of this
renewed evidence of the
cordial relations of our
respective Countries.

I have the honor to be,
Sir,
Your Obedient Servant
Richard B. Hubbard

DEPARTMENT OF STATE
MAY 17 1886
RECEIVED.

United States Legation,
Tokio, Japan, April 22nd 1886.

Willis R. Whitney, Interpreter of Legation
To the Secretary of State.

Subject.

Duplicate Salary account for
quarter ended March 31st 1886.

Filed

United States Legation,

Tokio, Japan, April 22nd 1886.

Hon Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

Herewith I have the honor to transmit a duplicate of my statement of salary account for the quarter ended March 31st last, enclosed with letter of date the 7th instant.

I have the honor to be,

Sir,

Your obedient servant,

Willis H. Whitney

Interpreter of Legation

Enclosure Duplicate Salary account with Voucher.

DEPARTMENT OF STATE
MAY 17 1886
RECEIVED.

United States Legation
Tokei Japan April 22 1886

Mr Mansfield
To the Secretary of State

Subject:
Transmitting duplicates of accounts.

T. Mansfield

United States Legation,
Tokei, Japan, April 22. 86.

Hon Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to transmit herewith duplicates of my accounts for salary and loss by exchange for the quarter ending Mar 31. 1886.

I have the honor to be,
Sir,
Your Obedient Servant,
Frederick S. Mansfield,
Secretary of Legation.

Enclosures

Enclosures:

1. Duplicate of account for Salary.
2. Duplicate of account for loss by exchange.
3. Duplicate of voucher for loss by exchange.

file

DEPARTMENT OF STATE
MAY 17 1886
RECEIVED.

Mr Everett
18

No 147

United States Legation,
Tokei, Japan, April, 22, 1886.

Mr Hubbard
To the Secretary of State

Subject:
The announcement by the Minister of Foreign Affairs of H.I.J.M.'s Government of the assembling of the Conference for the revision of treaties on May 1st 1886.

No 47

United States Legation,
Tokei, Japan, April 22, 1886.

Hon Thomas F. Bayard,
Secretary of State,
Washington

Sir,

I have the honor to report that on the 19th instant His Excellency, Count Inouye, the Minister for Foreign Affairs, called upon me at the United States Legation, and stated that he desired to communicate the fact, in advance of a formal and official announcement

thereof,

thereof, that the Conference for the Revision of the Treaties would be invited to assemble at this Capital on Saturday the first day of May 1886.

When and after the meeting of this Conference, I shall have the honor to advise Your Department, as well as of the progress of its deliberations from time to time.

I have the honor to be,

Sir,

Your Obedient Servant

Richard B. Hubbard

DEPARTMENT OF STATE
MAY 17 1886
RECEIVED.

Mr Everett
18

No 48.

Copy & encl. to Gen. Sec't.
May 19-
Copy to Nat. Bd. of Health
May 19. No encl.
cureles -

United States Legation,
Tokio, Japan, April 22. 1886

Mr Hubbard
To the Secretary of State,

Subject:
Transmitting report on Chol
era epidemic of 1885.

No 148.

United States Legation,
Tokio, Japan, April 22, 1886.

Hon Thomas F. Bayard
Secretary of State,
Washington,

Sir,

I have the honor to transmit herewith a copy of "A Brief Review of the Operations of the Home Department in connection with the Cholera Epidemic in Japan, of the 18th Year Meiji 1885", published by authority of the Japanese Government, for reference to such Medical

Department

Department of the United States Government as you may deem most appropriate.

I have the honor to be,
Sir,
Your Obedient Servant,
Richard B. Hubbard

Enclosure;
As above

Copy of letter sent of book to Mason May 19 86. Circ

DEPARTMENT OF STATE
MAY 17 1886
RECEIVED.

No 449.

United States Legation,
Tokio, Japan, April 22 1886.

Mr Hubbard
To the Secretary of State

Subject:
Foreign Trade of Japan
for the year 1885.

Copied May 1886.

No 169.

United States Legation,
Tokio Japan April 28 86

Hon Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to transmit herewith two copies of the "Annual Return of the Foreign Trade of the Empire of Japan -, published by the Bureau of Customs -, for 1885", in accordance with the request of His Excellency the Minister for Foreign Affairs, for the information of the Honorable the Secretary

of

of State, and the Honorable the Secretary of the Treasury of the United States.

In transmitting this interesting paper, showing the trade relations of this Empire with all Nations, I respectfully invite your attention, and that of the Government at Washington, to the status of the trade especially between Japan and the United States for the year 1885.

From this voluminous report of two hundred and Ninety Eight pages, I have endeavoured to economize the time of Your Department, as well as to lessen the burden

of

of ascertaining the subjoined results - involving a careful and patient investigation - by anticipating such labor in performing it myself. From the wilderness of facts and figures, contained in this Annual Return, I have the honor to submit a compilation not found in said Report in the form herewith presented. The individual statistics are the same, and have only been presented in a different combination, to illustrate certain phases of the trade relations of Japan, with the principal European Nations, and par-

ticularly

ticularly with our own Countries, which are not presented so prominently in this official paper of the Japanese Government.

I submit the following:

Synopsis of Japans Export and Import trade with the United States, Great Britain, Germany and France, for the Year 1885.

United States.

Japan exported to, - 15. 613. 868. 87 Yen.

" Imported from, 2. 726. 184. 68 "

Total, 18. 340. 053. 55 "

Excess of Exports 12. 887. 684. 19 "

Great Britain.

Japan Exported to, 2. 411. 978. 61 Yen

Imported

Imported from, 12. 415. 421. 53 Yen

Total 14. 827. 400. 11 "

Excess of Imports 10. 003. 442. 92 ".

Germany

Japan exported to, 463. 933. 65 Yen

" imported from, 1. 665. 652. 72 .

Total 2. 129. 586. 07 .

Excess of import 1. 201. 719. 37 " .

France,

Japan Exported to -, 6. 735. 911. 88 Yen

" imported from 1. 329. 866. 27 "

" Total 8. 065. 778. 15 .

Excess of Exports 5. 406. 045. 61 " .

The following tables show value of commodities imported into Japan, free, also under specific duty, and ad volorum duty:

United

United States,

Japan admitted free ¥180.006.24 Yen

" " under Specific duty 246.033.45 "

" " " ad Valorem duty 2.264.219.67 "

" " " other duties not stated 35.925.32 "

Total imports 2.726.184.68 Yen

Exported from Japan to United States:

U.S. admitted free 14.818.013.66 Yen.

" " imposed ad Val duty 502.074.16 "

" " duty not stated 263.780.88 "

Total Export to U.S. 13.613.868.70 ".

Great Britain,

Japan imported under Spec duty 9.161.615.53 Yen

" " Free of duty 178.228.00 "

" " ad valorem duty 3.075.578.00 "

Total imports 12 415.421.53 "

Germany.

Germany,

Japan imported under Spec. duty 952.881.00 Yen

" " " ad valorem 5% 693.529.72 "

" admitted free 19.242.00 "

Total 1.665.652 72 ".

France,

Japan imported Spec. duty - 884.760.00 Yen

" admitted free 4.065,00 "

" ad valorem 5% 441 041.27 "

" total imports 1.329. 866. 27 ".

From the foregoing tables, as well as from the Annual Report of 1884, it will be observed:

1st: That the total exports and imports in value between Japan and the United States for 1883 exhibits a remarkable

increase

increase over 1884, of
(4.527.039 Yen) Four Millions
five hundred and twenty
Seven thousand and thirty nine
yen! 2nd, Exhibit an
increase of imports to the
United States from Japan in
1885 over 1884 in value of
(4.339.983 Yen) Four Millions
three hundred and thirty nine
thousand, three hundred and
eighty three, Yen!
3rd. Also shows an increase
of exports from United States
to Japan, in 1885 over 1884, of
(97.657 Yen) one hundred and
ninety seven thousand six hun-
dred and fifty seven Yen.
The foregoing statement while
exhibiting

exhibiting a gratifying and healthful condition of our trade relations, also discloses the fact not so healthful or gratifying, that the balance of trade is against the United States to the amount of (12,887,684 Yen) Twelve millions eight hundred and eighty seven thousand six hundred and eighty four Yen.

4th The balance of trade against the United States for 1885 in excess of 1884, is (4,142,629 Yen) Four Millions one hundred and forty two thousand, six hundred and twenty nine Yen. It will be observed, therefore, that the United States

as

as attested by these official figures, is the most valuable customer which Japan has among all the Treaty Powers, buying and consuming of Japanese products nearly one half in value of all her exports to foreign nations; and that the total trade value of the imports and exports of the two nations equals about one fourth of Japans commerce with all the other nations of the earth combined. The desire to lessen this balance of trade does not involve the necessity of diminishing American imports from Japan; but it does involve the very natural wish

and

and expectation that the import of Japan from the United States should correspondingly increase, with the value of our imports from Japan.

It is not my purpose in this connection to discuss why this trade has not been more evenly balanced heretofore, or how that result might be attained hereafter, as it could be beyond any doubt. The fault is not with our Government, whose liberal policy has been, and is now, to admit duty free through our Custom Houses, over fourteen millions of the fifteen millions of imports to the United States from Japan. It is not

not chargeable to the want of good neighborhood, and the most cordial relations between our respective peoples. It cannot be chargeable to the Government of Japan certainly in any invidious desire to court the favor of European Powers for political reasons, by encouraging a larger import trade from some other nations, than from the United States, which is notably the fact as to England, and relatively as to Germany and France. It is not with the Government that we find fault. Rather is it not attributable to the supineness of

of our American merchants and manufacturers both of cotton and woolen and iron and steel, and to the sad decadence of the American Merchant Marine, once the pride of the Republic, which leaves the ocean highways of commerce to the ships of other nations to bear American products to the worlds markets. I am informed by American merchants and manufacturers especially of iron and steel, locomotives, all railroad fixtures, stationary engines and corn iron, rails &c, that these goods can be delivered to day in China and Japan as cheap (and they declare cheaper,) than the

the same class of goods can be delivered by British or German as any European Manufacturers. The best evidence of the good faith of the ability of our countrymen to do so, is the fact that they are here now, by their agents, to offer to this Government, as they have done, (who controls the Railways and Telegraphs and all transportation systems) to enter into fair and open competitive bidding for such Government contracts. This is, at last, a movement in the right direction, and it will test certainly this proposition: 1st To whether American Manufacturers can succeed by

by such fair competition in Japan. 2nd. Whether the Government in vindication of impartial justice will encourage a larger import trade by Japan from the United States, on condition of the offers as good or better bargains as are offered by other peoples who sell largely to, but buy lightly and warily from Japan. The trade of Japan and England is a subject of interest to all Americans especially. It will be observed as I once before in forwarding a series of these monthly Trade Returns had the honor to indicate, that both the exports and imports of Great

Britain

Britain and Japan have largely decreased in recent years. Nevertheless while the total exports and imports of 1885 amount to only (14.827.400 Yen) fourteen millions eight hundred and twenty seven thousand four hundred Yen, the balance of trade is held with iron hand by England against Japan, by an excess of her imports over exports from Japan of (10.003.442 Yen) over ten millions of Yen! The United States buys from Japan annually over fifteen millions, while England buys only a little over two millions! It will be

be noted with surprise, too, that while Great Britain boasts of being the birth place of "free trade", as recognized by political economists, it is a fact that the United States admits free of all duties more Japanese exports through her ports than the entire sum total of both the exports and imports of Japan and England.

France occupies a similar relation to the trade of Japan to that of our country. The balance of trade is against France by (5.406.045 Yen) five millions four hundred and six thousand and forty five

Yen

Yen; while Germany though compared with the United States and Great Britain and France holding a small and comparatively insignificant portion of the trade of Japan, still maintains an excess of her imports to Japan over Japans exports to Germany of (1.201.719) one million two hundred and one thousand, seven hundred and nineteen Yen. She buys of Japan 463.933 Yen but sells to that Country 1.665.652 Yen.

Notwithstanding all this stern "logic of facts and figures" our — American products of the field and loom, of our iron

iron and cotton and woolen Mills &c &c &c, outside of Petroleum oils (which could not be had anywhere else on earth heretofore) - has seen the gold and silver of Japan going to England and Germany principally for a market, and the patronage incident to great public works of internal improvement, committed mostly to European manufacturers of iron - men and engineers!

As before intimated, I will be permitted to say that the cause of all this want of reciprocity of trade has been found at the doors of our own people, who have never until recently seriously made an endeavour to create

an

an export trade to the East, and especially to Japan. By such means as need not be told to the intelligent and enterprising merchants and Manufacturer of the United States such larger export trade can be attained.

The statistics I have the honor to forward to Your Department constitute a fruitful theme for speculation and useful discussion.

In the light of present developements and counting largely on the traditional pluck and energy of the American character, as well as for its courage and far seeing sagacity when once aroused

to

to action, I venture to predict a yet more healthful growth of the already valuable trade between Japan and the United States.

I have the honor to be,

Sir,

Your Obedient Servant,

Richard B. Hubbard

Enclosures. Separate 2 Copies of the "Annual Return of the Foreign Trade of Japan for 1883"

DEPARTMENT OF STATE
MAY 17 1886
RECEIVED

United States Legation.
Tokio Japan, April 30, 1886.

Mr Dun.

To the Secretary of State

Subject:
Duplicate Statements of accounts for the first (1st) quarter, 1886.

T. M. Fillmore

United States Legation

Tokio Japan. April 23. 1886

Hon. Thomas F. Bayard.

Secretary of State

Washington D.C.

Sir:

I have the honor to enclose herewith duplicate statements of my account for salary, and of my account for loss by Exchange for the quarter Ending March 31. 1886. together with Exchange vouchers, signed by the Manager of the Hongkong and Shanghai Banking Corporation and myself.

I have the honor to be

Sir.

Your obedient servant

Edwin Dun.

Second Secretary of Legation.

Enclosures.

Duplicate Statements of accounts, as above

file

DEPARTMENT OF STATE
MAY 17 1886
RECEIVED.

Wm Everett
15

No 150

United States Legation,
Tokio, Japan, April 23. 1886.

Mr Hubbard
To the Secretary of State.

Subject:
Acknowledge receipt of Instructions Nos 47. 48. 49. 50. 51. 52 53. 54. & 55

No 150.

United States Legation,
Tokio, Japan, Apr. 23. 1886.

Hon. Thomas. F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to acknowledge receipt of Instructions numbered respectively 47. 48. 49. 50. 51. 52. 53. 54. and 55, also one volume of the Supplement to the Revised Statutes of the United State, and volumes 18 to 23 inclusive of the Revised Statutes at Large, and two copies of the volume of Foreign

Relations

Relations for 1884.

I have the honor to be

Sir

Your Obedient Servant

Richard A. Hubbard

DEPARTMENT OF STATE
MAY 17 1886
RECEIVED.

Amt items as a
May 21 86 Cr[illegible]

MAY 20 1886

6

Mr Everett
18

No 151

United States Legation,
Tokio, Japan, April 23. 1886

Mr Hubbard
To the Secretary of State

Subject:
Referring to contingent account for 4th Quarter of 1885.

Approved as to Directories and Gold Pen.
Disallowed as to "Invitation" Cards.

No 151,

United States Legation,
Tokio, Japan, April 23, 1886.

Hon Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to acknowledge receipt of Your Instructions No 57, referring to my Dispatch No 110, relating to my salary and contingent expense account for the quarter ending December 31 1885. You call my attention especially to the following bills for stationery to-wit: 1 Large Directory 2.50

1

1 Pocket Directory 2.00.,
1 Gazette Directory 3.00.,
Invitation Cards 6.50.,
Gold pen and holder 3.50.,
and express the desire that
I should furnish an explanation as to the necessity for
three directories, the invitation
cards, and the gold pen
and holder,? I have respectfully to submit the following explanation: There are
two distinct directories published by different houses in Japan,
in many respects differing
from each other. I deemed
it useful, and even necessary
to have both these books in
the Secretaries office, and in
the

the library of the Legation, because they together contain most valuable information, and statistics - auxiliary to and facilitating the business of the Legation :- in this: They contain lists of all the names and places of residence and occupations of all A- mericans in Japan, and which it is impossible to obtain elsewhere; of all american trading houses; vocations, secular political and religious of all such Americans; copies of all the laws and ordinances and regulations (general and local) of the Empire -; the changes of laws during

the

the current year passed;
copies of all treaties Geo-
graphical statistics; maps
tables financial, commercial
and otherwise. Heretofore
my predecessors have pur-
chased these directories out
of the contingent fund, and
I receipted for the former
issues of these directories on
assuming office at this
Post. These directories will
be so entered now, and will
be turned over to my suc-
cessor for receipt as former-
ly has been the custom.
The "pocket directory" is
a small book intended,
as the name implies, to carry
about

about with the person.
In a country like this of a
strange tongue, these directories
and especially a pocket
directory, are very useful,
containing the English
pronunciation of the Jap-
anese streets, names, places
of residence &c, desired to
be visited officially often
times

2 As to the gold pen and
holder, it will be invent-
oried, as the directories, as Gov-
ernment property, and so
transmitted to my successor.
The steel pen in this humid
damp climate rusts and be-
comes useless and I never
use

me them here. It is not certainly a "personal expenditure" and not so remotely intended to be.

3. As to the "invitation cards". These items were really intended for official use. I paid for all private and social invitation cards to my personal residence with my own private funds. The first secretary of Legation, (Mr Jouard) acting at that time, (Jany 2d) made out these accounts with vouchers and stated that the "invitation cards" being for official receptions and dinings to Ministers

and

and officials of the Japanese Government and to the Diplomatic Corps, that the custom had been to charge the same to the contingent fund just as "official visiting cards" are charged to same fund. With that understanding the charge was forwarded to Washington. - I will charge myself with the amount ($6.50) six dollars and fifty cents, if so adjudged to be proper, and credit the contingent Fund with that amount, and with the amount of any other items designated by Your Department to be credited to said fund

I

I hope this explanation will be satisfactory.

I have economized the fund and expect to keep within its limits at all times.

I have the honor to be,

Sir,

Your Obedient Servant

Richard B. Hubbard

Reports from consular offices with circular letter May 18 1886

DEPARTMENT OF STATE
MAY 17 1886
RECEIVED.

No 152.

United States Legation,
Tokio, Japan, April 23. 1886.

Mr Hubbard
To the Secretary of State.

Subject:
Transmitting daily weather reports for April 1886.

No 152.

United States Legation

Tokio, Japan, April 23. 1886

Hon Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

Herewith I have the honor to transmit for the information of the Signal Service Bureau "Daily Weather Reports" for April

I have the honor to be,
Sir,
Your Obedient Servant

Richard B. Hubbard

Enclosures: as above

DEPARTMENT OF STATE
MAY 17 1886
RECEIVED.

Mr Everett
17

No 153.

United States Legation,
Tokio, Japan, April 23. 1886.

Mr Hubbard
To the Secretary of State

Subject:
Acknowledge receipt of a draft :
for extradition treaty. :

No. 53.

United States Legation,
Tokio, Japan, April 23. 1886

Hon Thomas F. Bayard
Secretary of State,
Washington,

Sir,

I have the honor to acknowledge receipt of Your Instruction No 54 relating to an Extradition Treaty Convention with Japan, and the accompanying authority and Power from the President of the United States, to represent our Government in the negotiation of said Treaty, and six copies

of

of a draft of the Extradition Convention.

The U. S. Mail bringing this Instruction only arrived twelve hours before the departure of the outgoing American steamer, which bears this acknowledgement. At the earliest moment I shall notify the Minister for Foreign Affairs of the arrival of this authority, and shall report by the next mail the progress of the negotiations.

I have the honor to be,

Sir,

Your Obedient Servant

Richard B. Hubbard

Dallas Morning News
Dallas Texas
New York Star
N.Y.
ordered from
July 1 1886.
asked May 28 V
Victoria

No 154.

Wm Everett
27

United States Legation,
Tokio, Japan, April 27. 1886.

DEPARTMENT OF STATE
MAY 27 1886
RECEIVED.

Mr Hubbard

To the Secretary of State.

Subject:

Request for Newspapers for fiscal year beginning July 1st 1886.

No 154.

United States Legation,
Tokio, Japan, April 27, 1886.

Hon Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

Under Section 208 of "Personal Instructions to the Diplomatic Agents of the United States in Foreign Countries", it is provided, as you are aware, that two Newspapers published in the United States will be sent to each Legation in the discretion of the Department. These may be designated by the Chief of the Legation on or

before

"before the first of May in
"each year, for the fiscal
"year begining on the first of
"July following. A subscription
"which for any cause may
"begin at another time may
"be fractional only, not ex-
"tending beyond the 30th of
"June, and express request for
"its renewal for a subsequent
"year must be made as above
"xxc". On the 20th July 1885,
by my Dispatch No 15, I
had the honor to request that
the Daily (New York) "World,"
and the Daily (San Francis-
co) "Examiner", might be forward-
ed to this Legation, under the
said Section 208. Your

Departmen

Department was kind enough to grant our request, and the said newspapers have been coming regularly to our address. Now, however, I desire, "before the first of may ⁊c", to ask your Department, at the end of the term of subscription to the "Examiner" and "World," (30th June), that you will change our subscription to the "Dallas Morning News" (of Dallas, Texas), and to some other leading Daily Newspaper published in Washington, New York, or elsewhere, as the Secretary of State may be good enough to indicate, as his choice or preference. Such

precaution

will insure to us some Daily likely to be loyal to the Democratic Party and to the present Administration of the Government at Washington. I'm sure that this innocent and passing reference will not be regarded as a violation of the spirit of "Civil Service Reform" in any respect?

I have the honor to be,
Sir,
Your Obedient Servant,
Richard D. Hubbard

Telegram. Cipher.

Legation of the U. S.
Tokio, April 30, 1886.

Bayard
Secretary
Washington.

Extradition Treaty concluded unchanged. The ratifications of the Treaty will be exchanged at Washington, D. C.

Hubbard.

DEPARTMENT OF STATE
MAY 27 1886
RECEIVED.

3rd ASSISTANT SECRETARY
acted with appreciation
June 7. 86 Cutler
MAY 28 1886

No 65.

Mr Hovey

29.

United States Legation
Tokio, Japan, April 30. 1886.

Mr Hubbard.
To the Secretary of State.

Subject:
Extradition Treaty.

Synopsis:
Treaty signed without any change in the Draft of the Secretary of State.
Ratifications to be exchanged at Washington.

No 155.

United States Legation,
Tokio, Japan, April 30. 1886.

Hon. Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

I have now the honor to confirm my cablegram by this Despatch and bearing same date hereof, in figure cipher, which intended to be read as follows to wit;

"Tokio April 30. 1886

"Bayard, Secretary,

"Washington. Extradition

"Treaty concluded unchanged

"The ratifications of the Treaty

will

"will be exchanged at Wash-
"ington D. C. —— Hubbard."

Immediately after acknowledging the receipt of Your Instruction No 54, by the last mails from America, enclosing a Draft of an Extradition Convention, with power from the President of the United States, authorizing me to enter into negotiations looking to the concluding of such Extradition Convention, I notified His Excellency, Count Inouye, the Minister for Foreign Affairs of this fact, and respectfully suggested to him that I

awaited

awaited his pleasure to co-
operate with such repre-
sentative of His Imperial
Majesty's Government as might
be designated, to act with
me in conducting such ne-
gotiations. I have the hon-
or to enclose herewith copy
of my Dispatch to Count
Inouye, conveying this au-
thority and making this
suggestion, as well as his
reply thereto.

Complying with his sug-
gestion as to the time and
place of the conference, ac-
companied by my First Secre-
tary of Legation, F. S. Mansfield
Esq., I had the honor to meet

Count

Count Inouye, representing
His Imperial Majestys Gov-
ernment, accompanied by
his Interpreter Mr Saito, and
his Legal Adviser H.W. Den-
ison Esq, at the Office for
Foreign Affairs at 11 O'
Clock a.m. on the 29th of
April a.D. 1886.

The conference was for-
mally inaugurated by mu-
tually submitting the au-
thorities to each from our
respective Governments, to
conclude an Extradition Con-
vention between the Govern
ments of Japan and the
United States.

The Foreign Minister [illegible]

to

to our formal conference,
and in anticipation of
Your Instruction No. 54,
as advised by the Japanese
Minister at Washington, had
submitted to me a Draft Ex-
tradition Convention for my
consideration, a copy of which
3 I herewith transmit as a mat-
ter of information, and as
part of the preliminary history
to our final discussion.

In response to this courtesy,
immediately after receiving
your Draft of the proposed
Extradition Convention, I
submitted in person your
Draft relating to the same sub-
ject. I asked the Minister's
earnest consideration of the

said

said draft. At his request we informally discussed in extenso the merits of both Drafts submitted. Without encumbering this Despatch with even a resumé of that discussion, which was at all times conducted in the most cordial spirit, it will, I trust, suffice to say, that a conclusion was really arrived at at that time favorable to the draft, which I had the honor under your instruction to present and to advocate for adoption. I had occasion to profit by your very useful suggestions which were

called

called to my aid in the advo-
acy of the adoption of Your
Draft just as it was, ver-
batim et literatim.

It followed, therefore, that
at the formal Conference
there was fortunately no time
consumed in the discussion
of our respective drafts, and
Count Mouge, for his Gov-
ernment, formally announced his entire
agreement to, and acceptance
of, the draft for the said Ex-
tradition Convention, which
was presented by myself rep-
resenting my Government.

The two original Drafts
were then duly signed ob-
serving all the international

usages

usages and forms of courtesy in such cases provided. Count Inouye himself suggested that the ratifications of the Treaty should be exchanged at Washington; to which, with my acknowledgements for the suggestion, I at once consented.

By this Mail I forward to you the copy for the United States, and by the same Carrier the Japanese Copy duly ratified by His Imperial Majesty, the Emperor, will be forwarded to His Minister at Washington Mr Kuki.

I tender to you, Mr Secretary, my earnest congratulations

-ions of the unanimous adoption of Your Draft, and must express my own gratification, that I had the honor to successfully advocate its adoption.

I have the honor to be,

Sir,

Your Obedient Servant

Richard B. Hubbard

Enclosures:

1 Mr Hubbard to Count Inouye No 98. of april 23. 1886

2 Count Inouye to Mr Hubbard No 166 of April 27. 86 with sub enclosure

3 Draft of treaty submitted by Japanese Government prior to receipt of draft from Washington

4 Extradition Treaty signed by

by Mr Hubbard representing
the United State and
Count Inouye representing
Japan. — Separate

Enclosure 1 In Mr Hubbards 155

Copy

No 98.

United States Legation

Tokio Japan April 23. 1886

His Excellency,

Count Inouye Kaoru,

H.I.J. Ms Minister for Foreign Affairs,

Sir,

I have the honor to advise Your Excellency of the fact that the Honorable Secretary of State has forwarded me by the last American mail, full power and authority from the President of the United States, in conjunction with any person or persons authorized by His Imperial Majesty, the Emperor, of Japan, with the power and authority, to negotiate conclude and sign a Convention of extradition between the two countries, to be transmitted to the President of the United Sate

for

for his ratification by and
with the advice and consent
of the Senate thereof.

I have the honor to inform
your Excellency and through
you His Imperial Majesty
the Emperor that the United
States Minister at this Court is
now ready to meet at such
time and place as may be
determined such Agents of
Your Excellencys Government
as may be commissioned for
the above designated purpose

I avail myself of this
occasion to renew to Your
Excellency the assurances
of my highest consideration

(signed) Richard B Stuttard

Enclosure No. 2, with Mr Hubbards No. 158:
Translation Copy.

No 166. Department for Foreign Affairs
Tokio, 27th April 1886.

His Excellency,
Richard B. Hubbard.
Envoy Extraordinary and Minister
Plenipotentiary of the United States
of America

Sir:

I have the honor to acknowledge the receipt of Your Excellency's Note of the 24th inst; in which You advise me of the receipt from the President of the United States, of full powers to negotiate, Conclude and sign in conjunction with any person similarly authorized by His Imperial Majesty, a Convention of Extradition on behalf of our respective Governments, and Your Excellency at the same time intimates your readiness to enter upon the contemplated negotiation at such time and place as may be mutually determined.

In

In reply I beg to acquaint Your Excellency that His Imperial Majesty has been graciously pleased to grant me full powers to conclude with You, the Convention in question, and I would therefore suggest that we meet at this Department on Thursday 29th instant at 11 A.M. for the purpose of Exchanging our full powers, discussing, Concluding and signing such a Convention.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest Consideration.

(Signed). Shuzo Kawai

Ratification Copy

Sub-Enclosure No. 1 with Mr Hubbards No 183.

Mutsuhito, by the grace of Heaven, Emperor of Japan, and seated on the Throne occupied by the same dynasty from time immemorial.

To all to whom these Presents shall Come: Greeting:

We hereby grant unto Count Inouye Kaoru, Our Minister for Foreign Affairs, full powers to confer with the duly authorized Plenipotentiary of the United States of America and to negotiate and conclude with him a Convention between Our Government and that of the United States of America in reference to the extradition of criminals and to sign and seal such Convention, which We shall examine and ratify if the Articles therein agreed upon shall be found satisfactory.

In testimony whereof, We have set Our signature and caused the Great Seal of State to be thereunto affixed.

Done at the Imperial Palace in the City of Tokio, this twenty sixth day of the Fourth

fourth month of the nineteenth year of Meijis: corresponding to the two thousand and five hundred and twenty sixth year from the Accession of the Emperor Jimmu.

[L.S.] [Sign-Manual]

[L.S.] (Signed) Count Ito Hirobumi
President of the Cabinet.

Enclosure 3 In Mr Stubbards 155

Draft

Extradition Convention.

His Majesty the Emperor of Japan, and the United States of America, having deemed it expedient with a view to the better administration of justice, and to the prevention of crimes within their respective territories and jurisdiction that persons convicted of or charged with the crimes hereinafter enumerated, and bring fugitives from justice should, under certain circumstances, be reciprocally delivered up, have resolved to conclude

a

a Convention for that purpose, and have appointed as their Plenipotentiaries, that is to say: His Majesty the Emperor of Japan

and the President of the United States of America,

, who after reciprocal communication of their full powers, found in good and due form, have agreed upon the following articles, to wit:

Article I.

The Government of His Imperial Japanese Majesty and

and the Government of the United States, mutually agree upon requisition duly made as hereinafter provided, to deliver up persons, who, having been convicted of, or charged with any of the crimes specified in the following article, committed within the territories of one of the contracting parties, shall seek an asylum, or be found within the jurisdiction of the other; Provided that this shall only be done upon such evidence of criminality as according to the laws of the country,

where

where the fugitive or accused so charged may be found, would justify his or her apprehension and commitment for trial, had the crime been committed within its jurisdiction.

Article II.

Persons convicted or accused of any of the following crimes shall be surrendered, in accordance with the provisions of this convention:

1st. Murder, including assassination, parricide, infanticide and poisoning;

2nd "

2nd. Manslaughter and the attempt to commit murder;

3rd. The crimes of rape, arson, and mutiny on board a ship, whenever the crew or part thereof, by fraud or violence against the commander, have taken possession of the vessel;

4th. The crime of burglary, that is to say, breaking and entering by night into the house of another with the intent to commit a felony therein, and

the

the crime of robbery, that is to say, feloniously taking from the person of another, goods or money by violence or by putting him in fear;

5th. The act of breaking and entering the offices of the Government and public authorities or the offices of banks, banking houses, saving-banks, trust companies or insurance companies, with the intent to commit a felony therein;

6th. The crime of forgery, by which is understood the utterance of forged

papers

papers, and also the counterfeiting of public, sovereign or Government acts;

7th. The fabrication of counterfeit money, whether coin or paper; of counterfeit titles or coupons of public debt, bank notes or other instruments of public credit; of counterfeit seals stamps, dies and marks, and the utterance, circulation, or fraudulent use of any of the above mentioned objects;

8th. The embezzlement of public funds, committed within

ted within the territories of one or the other party, by public officers or depositaries;

9th. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when such crimes are subject to imprisonment,

10th. The crime of kidnapping - that is to say, the detention of a person or persons against their will in order to exact money from them, or for any other unlawful

ful purpose.

Article III

The provisions of this Convention shall not apply to any crime or offence of a political character, and no person shall be tried for any crime or offence other than that for which he was surrendered, unless such crime be one of those enumerated in Article II

Article IV

Neither of the contracting parties shall be bound to deliver up its own subjects or citizens under the stipulations of this Convention

tion.

Article V.

If the person whose surrender may be claimed pursuant to the stipulations of this Convention, shall have been arrested for the commission of an offence in the country where he has sought an asylum, or shall have been convicted thereof, his extradition may be deferred until he shall have been acquitted, or have served the term of imprisonment to which he may have been sentenced.

Article

Article VI

If a fugitive criminal claimed by one of the parties hereto shall be also claimed by one or more powers pursuant to treaty provisions on account of crimes committed within their territories such criminal shall be delivered, in preference in accordance with that demand which is the earliest in date.

Article VII

Requisitions for the surrender of fugitives from justice shall be made by the respective diplomatic

Agents

agents of the contracting parties. In the event of the absence of such agent from the country or its seat of Government, such requisition may be made by superior Consular officers.

It shall be competent for such representatives or such superior Consular officers to ask and obtain a mandate or preliminary warrant of arrest for the person whose surrender is sought, whereupon the judges, magistrates or other proper authorities of the two Governments

ments shall respectively have power and authority, upon complaint made, to issue a warrant for the apprehension of the person charged, in order that he or she may be brought before such judge, magistrate or other proper authority that the evidence of criminality may be heard and considered; and if, on such hearing, the evidence be deemed sufficient to sustain the charge, it shall be the duty of the examining officer to certify the same to the proper executive authority, that a warrant

warrant may issue for the surrender of the fugitive. If the fugitive criminal shall have been convicted of the crime for which his surrender is asked, a copy of the sentence of the Court before which such conviction took place, duly authenticated, shall be produced. If, however, the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime was committed, and of the depositions upon which such warrant may have been issued, shall be

be produced, with such other evidence or proof as may be deemed competent in the case.

Article VIII

In cases of urgency, and especially in cases where there is danger of escape, each of the two Governments may, by the most expeditious means possible, ask and obtain the arrest of persons accused or convicted of extradition offences under this Convention, on condition of presenting the evidence upon which surrender is to be made, as soon thereafter as may

be

be possible, not exceeding three months.

Article IX

Everything found in the possession of the fugitive criminal at the time of his arrest which may be material as evidence in making proof of the crime shall, so far as practicable, be delivered up with his person at the time of surrender. Nevertheless, the rights of a third party with regard to the articles aforesaid shall be duly respected.

Article X

The expenses of the arrest detention

detention, examination, and transportation of the accused shall be paid by the Government which has preferred the demand for extradition.

Article XI

This Convention shall continue in force from the day of the exchange of the ratifications thereof, but either party may at any time terminate the same on giving to the other six months notice of its intention so to do.

The present Convention shall be ratified and the ratifications exchanged at

so

soon thereafter as possible.

In testimony

whereof the respective Plenipotentiaries have signed

the present Convention

in , and have hereunto affixed their seals.

Done at

the city of

this day of

the month of the

year of Meiji, corresponding to the

day of in the

year of the Christian

Era.

3rd ASSISTANT SECRETARY
Ack. The proceedings will be followed with great interest
APR 28 1886

Mr Everett
June 1886
cipher.

29

No 156.

DEPARTMENT OF STATE
MAY 27 1886
RECEIVED.

United States Legation,
Tokio, Japan, May 3rd 1886.

Mr Hubbard
To the Secretary of State.

Subject:
Meeting and organization of the Conference for the Revision of Treaties.

Synopsis:
Election of Count Inouye as President. Submission of the "Order of the Discussions." List of Representatives

No 156.

United States Legation

Tokio, Japan, May 3 1886.

Hon Thomas F. Bayard,

Secretary of State,

Washington,

Sir,

I have the honor to report to Your Department that the Conference of all the the Treaty Powers and the Government of Japan, by their accredited Representatives, assembled, by invitation of His Excellency Count Inouye, at the hour of two o'clock P.M., on Saturday, May 1st, at the office of Foreign affairs.

The

The Conference was opened by an address of welcome from the Minister for Foreign Affairs, to the Members of the Conference and of congratulations on the existence of profound peace, and the most friendly relations between this Empire and all the Treaty Powers represented in the Conference.

The Minister especially and particularly begged the Representatives of all the Western Powers, to impartially and graciously consider the advancement which his country had made in civilization and education, and particularly in the intelligent capacity to understand

as

as well as to organize and
maintain political Government
after Western systems. He
begged them to judge earn-
estly and kindly whether the
present judicial, educational
and financial and commercial
organizations of the Empire, as
well as political, did not of-
fer a full guarantee to all the
nations of the Earth, that now
and henceforth, the persons
and property, and the lives
and liberties of her own subjects,
and of the citizens and sub-
jects of all friendly powers, as
well, would be protected and
secured by just laws, respected
alike by the people and the

Crown

Crown. After the long and weary probation to which his Country had been subjected, his Country indulged the hope, and believed the Western Powers would consider that said interval had not been idly spent, but marked rather with intelligent progress (he spoke it with due deference, and in no boastful spirit,) in the path of higher civilization and enlightened power. His Imperial Majesty, the Emperor, and His Subjects, now numbering at least thirty eight millions, looked to the action of this grave

Conference

Conference with intense interest, and with the ardent hope that such recognition of the advancement of Japan in this direction, to which she had deservedly aspired, would be accorded to Japan by the Great Powers as would insure her complete national autonomy at the earliest day. The Minister then notified the Conference that the organization of the body was subject to their orders. It was unanimously voted that Count Inouye, His Imperial Majesty's Minister for Foreign Affairs, be elected President of the Conference, for which sole

of

of the Conference he returned thanks. The President asked permission to introduce the Vice Minister for Foreign Affairs, Mr Aoki, as his co-delegate, who was elected Vice President.

On behalf of the Diplomatic Corps (Representatives of the Conference) the Doyen of the Corps, Monsieur Leinkeinicz -, French Minister, replied to the address of welcome of Count Inouye to the delegates, uniting in the hope of the President, that much good might result from the high convocation, and that the Western Powers with Japan, in rooted harmony in these deliberations.

Five Secretaries, to prepare the

Protocol

Protocols and report the proceedings, were then appointed, to wit;

Baron Von Siebold, German,
Mer Guthrie. British,
Mer D. W. Stevens United States,
Monsieur De Lucy France,
Mr Saito Siencheiro Japan.

It was resolved that the proceedings pending the Conference should be confidential.

It was resolved that the proceedings of the Conference should be conducted in the English and French Languages respectively; and that all official acts &c should be in the two languages named.

The President then submitted

to

to the Conference - "The Order of Discussion", a copy of which here follows (there being as yet only one printed copy delivered to each Representative), for your information as to the scope or range which the discussions of the Conference will take in its future sittings and discussions.

" The Order of Discussion.

" Contents of the Convention.

" Preamble.

" Art. I Tariff. Annexed documents;

" Schedule of Trade regulations,

" Bonded and public Warehouse regulations,

" Light House & tonage Dues,

Art II

" Art II. Compensatory Taxes and Dues.
" Art III Accessible Ports.
" Art IV Passports.
" Pass Port Regulations.
" Art. V Charter of Ships.
" Charter Regulations.
" Art VI. Commercial Partnerships.
" Art VII. Trade Marks.
" Art. VIII. Applicable Japanese Laws
" Book IV of Criminal Code.
(Contraventions)
" Art. IX. The limit of Penalties.
" Art. X. Source of Law.
" Art. XI. Foreign Relations.
" Art XII. Limits of competency
" in Criminal Cases.
" Art. XIII. Application of milder
" Penalties.
" Art. XIV. Consular Jurisdiction.

" Art. XV. Seizures.

" Art. XVI. Arrest.

" Art. XVII. Inviolability of Domicile.

" Art. XVIII. Civil Jurisdiction.

" Art XIX Application of Law in
" Civil Cases.

" Art XX. Executions

" Art XXI Regulations for the
" execution of Jurisdictional Stip-
" ulations. (Jurisdictional Regulations)

" Art XXII. Discipline of, and Ju-
" risdiction over Seamen.

" Art XXIII Jurisdiction over Foreign-
" ers travelling on board
" Japanese Ships.

" Art XXIV Applicability of Taxes
" and Dues to ——— subjects.

" Art XXV Collection of Taxes and Dues.

" Art. XXVI Regulations concern-
ing

"ing the Municipal affairs of
" the Open Ports
"Art XXVII Abrogation of legal tender
" of foreign Coins and intro-
" duction of Japanese Coinage
"Art XXVIII Stipulations of the ex-
" isting Treaties which
" remain in force
"Art XXIX. Most favoured Nation.
"Art XXX Gradual development
" of the Convention Revision.
"Art XXXI Renunciation.
"Art XXXII Revision of the Convention
"Art XXXIII Annexed Regulations
"Art XXXIV Ratification "

An onerous labor, it will be observed, awaits the Conference. The various subjects as indicated in

in the foregoing "Order of Discussions" which that body shall be invited to discuss with a view to the revision of the Treaties constitute nearly or quite a thousand pages of printed matter, and with the exception of the Tariff Article, all differing in many respects from the Drafts (No 34) "Confidential", which I had the honor to forward to Your Department by my Dispatch No 23 in the Month of August 1880. I do not deem it necessary now to trouble you with even a resumé of the contents of these Articles, since I have not had

time

time to examine them in detail.

As the discussions proceed it shall be my pleasure, in the discharge of an agreeable duty, to advise you of what occurs, and to invoke your further instructions in the premises, on any doubtful question arising not already covered by present Instructions.

For your information I herewith report a correct List of the Representatives to the Treaty Conference and the Countries they respectively represent:-

Empire of Japan. Count Inouye Kaoru and Mr Aoki Shuzo.

Minister

Minister and Vice Minister respectively for Foreign Affairs

France Monsieur Adam Sientiewicz, (Doyen of the Diplomatic Corps,) E.E. and M.P.

Austria-Hungary Count Chas. Zaluski, E.E. and M.P.

Great Britain
Sir Francis R. Plunkett, E.E. and M.P.

United States,
Richard B. Hubbard, E.E. and M.P.

Italy.
Commd R. De Martino

E.

E. E. and M. P.

Germany

Baron Von Holleben,
E. E. and M. P.
and Mr Ed Zappe
Consul General.

Spain

Don J. De Lavát
Minister Resident

Netherlands, Denmark,
Norway and Sweden

Mr J. J. Vander Pot,
Minister Resident of the
Deutche Government.

Russia Mr A. De Speyer

Charge

Charge De Affairs,
(the new E E and M.P.
is enroute to Tokio)

Portugal, Mr. Jose Lourino,
Charge De Affairs, and
Consul General.

Peru. No Representative

Hawaii. Minister Resident absent.

Switzerland Mr A. Wolf,
Consul General

It will be observed from the foregoing that China has no Representative in the Conference - Being an "Extra-territorial" Country and in the same condition as Japan in this respect though

Sorrie

having friendly Treaty relations with this Government could not be a disinterested party.

Peru has not been represented at this Court for a long time and has no Representative in the Conference.

Hawaii's Minister Resident is absent at this time in the United States. His Government has notified Count Inouye the President that whatever may be the course pursued by the United States in this Conference, will be adopted without reservation by Hawaii; and this announcement was officially made

made to the Conference.
The Conference adjourned
to meet again on Saturday
the 22nd day of May 1886.
I have the honor to be,
Sir,
Your Obedient Servant,
Richard B. Hubbard

Enclosure to Inclosure 1

No 157. To Treasury May 28. 86 and Navy

Mr Romero 27

United States Legation
Tokio Japan, May 3, 1886.

Mr Hubbard
To the Secretary of State.

Subject:
"Foreign Trade of the Empire of Japan"
for January 1886.

Enclosure filed in B of S
7.

No. 157. United States Legation.

Tokio Japan. May 3, 1880.

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

I have the honor to transmit herewith for your information and that of the Honorable Secretary of the Treasury, the official return, in duplicate, for the month of January last, of the "Foreign Trade of the Empire of Japan." From which it appears, (page 1. table 1) that the total value of commodities exported within said month was yen 3,940,667.^{78} and the value of the imports thereof was yen 2,160,875.^{47}, shewing that the

the Exports exceeded the imports in value to the amount of yen 1.779.791.908. It also appears (pages 4 and 6.) that the value of specie and bullion exported during the same period was gold 20,00. Yen, against an import of 8,345.573 yen, and for silver an Export of 397,966.11 yen against an import of 265,930.038 yen.

I have the honor to be

Sir

Your obedient servant.

Richard A. Hubbard

Enclosure. - Separate.

In duplicate:- "Foreign Trade of the Empire of Japan" January 18th.

Vacated. memo attd June 7. 86. Circ.

Mr Everett
29

No 158.

United States Legation,
Tokio, Japan, May 11. 1886,

Mr Hubbard

To the Secretary of State.

Subject:
The claim of Peterson against the Russian Government.

No 158.

United States Legation

Tokio, Japan, May 4th 86.

Hon Thomas F. Bayard,

Secretary of State,

Washington,

Sir,

Referring to your Instruction No 48, enclosing a Despatch of the United States Minister at St Petersburg relating to Mr Petersons Claim, and instructing me to refer the same to the Consul General of the United States, Mr Green, at Kanagawa, for his report thereon; I have the honor herewith to transmit

copy

Copy of the reply of the Consul General in response to my request.

It will be observed that in the begining of this Dispatch, herewith, he calls my attention to his despatches Numbers 268 of Nov 12 1885, and 277, of Nov 28th 1885 respectively, which latter annulled the force of the first Dispatch.

The statement is in all respects correct, and the result was, that neither the first or the second of these papers were forwarded by me to the Department of State, and I had supposed that the claimant who was

Cognizant

cognizant of the advice of the U. S. Consul General in the premises, would take no further action in the matter. This man Peterson, I find from the records of this Legation, has at several times in the past five years had complaints made against him by both the Japanese Government, and the Russian Representative here, charged with poaching on the Islands of both Countries in his annual cruises for seal and fur. The record does not place this man in a favorable light. I concur in

the

the opinion of the Consul General as to the general character of the man, and the peculiar service in which he and others like him are engaged, that stringent measures be employed against such sailors in this business, and our flag withheld from shielding these arctic hunting crafts, unless presenting clean records in the past, and security for the future. In procuring clearance papers from these Ports, whence such crafts sail on their annual cruises to the North Sea Islands, I think a large discretion should be

be given in such cases to our Consuls. That duty of course, belongs to the Consular Service; but I join in his general recommendations in the premises,

I have the honor to be,

Sir,

Your Obedient Servant,

Richard D. Hubbard

Enclosure:

Consul General Green to Mr Hubbard of May 3 1886.

Enclosure in
Mr Stubbard's 158.

Copy.

No 548.

United States Consulate General,
Kanagawa (Yokohama) Japan,
May 3, 1886

His Excellency,
Richard B. Stubbard,
Envoy Extraordinary and
Minister Plenipotentiary
of the United States of
America,

Sir,

In reply to Your despatch
No 130 of April 30th, I wish
to call your attention to the
fact that whilst my despatch
No 248, of November 12. 1885, con-
tained Captain Petersons claim,
it was shortly followed by
No 277, of November 28, 1885,
completely annulling the
force

force of the first one.
In fact the claim was
based on a series of misstate-
ments made by Captain
Peterson, and the whole
subject is unworthy of se-
rious consideration. The
claim for damages against
the Russian Government has
no force, from the fact that
the man Crocker made an
affidavit before me, that
he was sent ashore by
Capt Peterson to unlaw-
fully take seals from an
Island which he (Peterson)
knew to belong to Russia;
that he was not arrested,
but merely served with a
formal warning to keep
off Russian territory in
future; and that Captain
Peterson, in the most coward-
ly manner, deserted him and
left him in a position of
great

great embarrassment and difficulty, from which he was only rescued by the kind offices of Capt Richard H. Savage, an American citizen, who chanced to be in Vladivostock, and those of the Japanese Consul at that port.

In this connection I wish to say that in my despatches Nos 50. 51. and 68, I represented to the Department the lawless character of these schooners, and requested authority to refuse shipping papers to them. This was not given me. Their lawlessness and troublesome character were further demonstrated recently, in the fact that the desertion and escape of Paymaster Watkins, of the U. S. S. "Ossipee", now under charge of mal-

feasance

[illegible]

[illegible]sance, was undoubtedly accomplished by the connivance of two of these schooners, the "Arctic", American, and "Penelope", British, and the probable assistance of several others.

I would respectfully ask that you join with me in representing to the Department the desirability of doing all in our power to stop their procedure; or at least to save the American flag from being used as a cloak for poachers.

I have the honor to be,
Sir,
Your Obedient Servant,
(Signed) Warren Green,
Consul-General.

He has been caught

3RD ASSISTANT SECRETARY
acted: memo and ✓
June 1, 86 Cir Cs. Wm Everett
MAY 28 1886
2

No 159.

DEPARTMENT OF STATE
MAY 27 1886
RECEIVED.

United States Legation,
Tokio, Japan, May 4, 1886.

Mr Hubbard
To the Secretary of State.

Subject:
Escape of Paymaster Watkins
from U. S. Ship "Ossipee,

3RD ASSISTANT SECRETARY

MAY 28 1886

Ack:

Your prompt and discreet proceedings in the case are commended. The recovery of Watkins was not a proceeding in extradition, but came under the treaty provisions requiring the Japanese authorities to lend their aid, on the request of the U.S. representatives, for the arrest of deserters. You proceeded correctly in obtaining the consent of the Japanese govt. to the arrest of Watkins by the U.S. naval authority, should he have been found in the remote territories under Japanese jurisdiction with which communication in season was not practicable. The Dept fully appreciates the prompt seconding of your efforts by your British colleague in authorizing the search of the Penelope. The Dept is informed that Watkins has since been arrested. aak

No 159.

United States Legation,
Tokio Japan, May 11. 1886.

How Thomas F. Bayard
Secretary of State,
Washington,

Sir,

The Honorable the Secretary of the U.S. Navy will doubtless be advised of the facts to which I desire especially to call the attention of the State Department. As my connection, however, with the occurrences hereinafter recited was with the Minister for Foreign Affairs of this Government, and the responses

to

to my request emanated from
that Department, I deem it
my duty to submit this re-
port. On the 23rd
day of April I received a
telegram from Rear Admiral
John Lee Davis, Command-
ing the U.S. Naval Forces
on the Asiatic Station, (at
Yokohama) informing me
that Paymaster R. F. Watkins
of the U.S.S. "Ossipee", then
in that port, had made
his escape from said ship,
on the night of the 22nd
instant, being then a pris-
oner under arrest charged
with embezzlement of U.S.
funds &c, and awaiting a

general

general Naval Court Martial.
The Admiral Commanding
after informing me that
he had offered a large reward
for the apprehension of said
Paymaster, requested that, as
United States Minister, I would
invoke the aid of the Japan-
ese Government, through
their police and detectives,
in securing his apprehension.
I at once communicated
this request, supplemented
by my own, to his Excellency
the Minister for Foreign Affairs.
In response, I was assured
that the Japanese Government
would comply instanter
with this request, and had

issued

issued orders by telegraph and otherwise to all their telegraph stations in the Empire, and to all their police and detectives in the various Prefectures, accompanied with a description of the person of the escaped prisoner; ordering them to make such arrest &c. Furthermore, Admiral Davis, subsequently informed me that evidence had been found establishing the fact that said Paymaster had escaped on the schooner "Arctic", flying the U.S. flag, bound for the Kurile Islands, the

Extreme

Extreme
Northern possessions of Japan; and asking that in the event the escaped prisoner should be landed on any one of the said Islands, that authority might be given to arrest him. The Admiral having notified me that he intended to send the U.S.S. "Ossipee" on the track of the schooner "Arctic" to these Islands, and there bring no telegraphic connection between Tokio and these remote northern regions, His Excellency, Count Inouye, authorized Admiral Davis to arrest Watkins by any of the officers of the "Ossipee"

in

in the name of His Majesty's Gouvment, and to bring him back to Yokohama for trial He did so transmit such authority and the "Ossipee" sailed in search of the "Enotic", having as is supposed the escaped prisoner. These orders were mostly prepared and issued at night, voluntarily by the Minister for Foreign Affairs, as he was kind enough to say, because of the urgency of the case. I took occasion to assure Count Inouye of my own high appreciation of this act of friendship and good neighborhood, and that I should send full Dispatches

to

to my Government reciting
the facts. In this connec-
tion it is proper to add
that at one time it was sup-
posed that the schooner
"Penelope", a British Vessel
sailing ~~many~~ at the same time
as the "Arctic", might have the
man Watkins on board. On
being informed of this fact,
the British Minister, Sir
Francis Plunkett, through
the British Consul at Yoko-
hama, gave authority to the
U.S.S. "Omaha" to board and
search the Penelope within
these waters, and to arrest
said Watkins if there found.
Such search was in fact
made

made but without finding the party sought. For this act of Courtesy I likewise assured the British Minister of my own high appreciation as the Representative of my Country, and that my Government would, I knew, be pleased in due time to transmit formal and grateful acknowledgements to Her Britanic Majestys Minister at Tokio.

I have the honor to be

Sir

Your Obedient Servant.

Richard B. Hubbard

Endorsed to Navy.

DEPARTMENT OF STATE
MAY 27 1886
RECEIVED

Copy with original sent to Navy Dept. May 27 1886. Cir 56

Wm Everett

No 60

27

United States Legation
Tokio, Japan, May 11th 1886.

Mr Hubbard
To the Secretary of State,

Subject:
Transmitting translation of the Shipping laws of Japan, in compliance with circular Instruction of July 15. 1885.

No 160.

United States Legation,
Tokio, Japan, May 4. 1886.

Hon Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

In compliance with your circular Instruction of date July 18, 1885. requesting at the instance of the Honorable Secretary of the Navy, — to furnish you with authoritative information on certain points respecting the shipping laws &c of Japan; I have the honor to transmit, herewith, translations prepared by Dr W. N Whitney, Interpreter to

to this Legation, of the said information as furnished me by His Excellency Count Inouye, H.I. J.M.s Minister for Foreign Affairs. I am informed that the shipping laws of this Country are now in course of revision, and that it is intended to issue new regulations based principally upon the shipping laws of Western Countries.

I have expressed to the Interpreter of this Legation my high appreciation of the fidelity and accurate knowledge of the Japanese language, which this translation exhibits on his part; and I take great pleasure in calling your

favorable

notice to this useful and laborious work prepared by Dr Whitney.

I have the honor to be,

Sir,

Your Obedient Servant,

Richard B. Hubbard

Enclosure

Separate: As above

Enclosure to Treas

To Treasury with original Enclosure. May 28. Circular.

Mr Everts
27

No. 161. ✓ Cy

United States Legation,
Tokio, Japan, May 5th 1886

Mr. Hubbard

To the Secretary of State

Subject.

Answers to Questions of the Secretary of the Treasury respecting the currency Coinage etc of Japan.

No. 161. United States Legation

Tokio, Japan May 5th 1886.

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

In compliance with your Circular Instruction of date January 18th last I have the honor to transmit herewith translations made by Mr. Whitney, Interpreter of this Legation, of answers furnished me by H. I. J. M's Finance Department through His Excellency Count Inouye, Minister of State for Foreign Affairs, to the several interrogatories propounded by the Honorable, the Secretary of the Treasury of the United States in reference to the coinage production, consumption, import-

and

and export of precious metals,
paper and metallic circulation etc
of Japan for the year 1885.

I have the honor to be,

Sir,

Your obedient servant

Richard B. Hubbard

Enclosure - Currency & Coinage etc,
of Japan.

DEPARTMENT OF STATE
JUN 9 1886
RECEIVED.

No 162

United States Legation
Tokio, Japan, May 12, 1886.

Mr Hubbard
To the Secretary of State

Subject:
Acknowledge receipt of Instructions 56. 57. and 58, and also stationery.

No 162

United States Legation
Tokio, Japan, May 12. 86

Hon. Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to acknowledge herewith receipt of Your Instructions numbered 56, 57 and 58 respectively, and also stationery, including paper, envelopes, scratch knives, and one rubber stamp, in response to regret of Mar 5.

I have the honor to be,
Sir,
Your Obidient Servant,
Richard A. Hubbard

Mr. Everett

17

3rd ASSISTANT SECRETARY
Ack. 3 June 28 86. Cir'd
Copy to Treasury – June 28 Cir'd
JUN 16 1886

DEPARTMENT OF STATE
JUN 16 1886
RECEIVED.

No 163,

United States Legation,
Tokio, Japan, May 20. 1886.

Mr Hubbard
To the Secretary of State.

Subject:
Outbreak of Cholera in
Japan.

No 163.

United States Legation,
Tokio, Japan, May 20. 1886.

Hon. Thomas F. Bayard,
Secretary of State,
Washington.

Sir.

I have the honor, herewith, to forward to your Department, and for the information of the United States authorities having special charge of such matters, an official copy of a Despatch from His Excellency the Minister for Foreign Affairs, conveying the intelligence that Asiatic

Cholera

Cholera is an epidemic
in the localities named,
and preferring certain re-
quests of me in the prem-
ises.

Also herewith enclosed, is a
2 copy of my reply to His Ex-
cellency's Despatch and request,
and of my Despatch to the
3 Consul General of the United
States at Kanagawa Jap-
an.

This malignant plague-
appearing at this extraordi-
nary early date-, and show-
ing a rate of mortality of
Seventy five per cent, natu-
rally affords cause for great
concern and precautionary

measures

measures, as well as for alarm at its prospective approach to the interior and the Capital.

It is unnecessary that I should express grave apprehension, if this epidemic spreads over the East, (as the Medical faculty here apprehend,) for our own country in the probability of its introduction through San Francisco, which has almost weekly intercourse by steamers with the ports of China and Japan.

The petroleum trade is carried on by vessels going direct from New York and other

other Atlantic ports to Yokohama and other Japanese cities, and if the germs of the disease can be transported in clothing blankets, or otherwise - then from that quarter danger may be apprehended. Of course, I know that Commerce, in the lust for gain, as a general proposition opposes all quarantine restrictions till the last hour, and often too late to prevent the fearful sacrifice of human life by timely and righteous, (though comparitively insignificant) sacrifices of Trade, - in establishing

Quarantine

quarantine at our American sea ports trading with the East.

I have the honor to be,
Sir,
Your Obedient Servant.
Richard B. Hubbard

Enclosures:

1. Count Inouye to Mr Hubbard of May 18th 1886.
2. Mr Hubbard to Count Inouye of May 19th 1886.
3. Mr Hubbard to Mr Green of May 19th 1886.
4. Consul General Greens Notification of May 20. 1886.

Inclosure No 1. With Mr Hubbard No 163.

Translation Copy

No 3126. Department for Foreign Affairs.

Tokio, 18th April 1886.

His Excellency

Richard B. Hubbard

Envoy Extraordinary and Minister

Plenipotentiary of the United States of America.

Sir.

I have the honor to inform Your Excellency that in order to prevent the spread of the Cholera, at present prevailing in Kioto Fu, Osaka Fu and Hiogo Ken, His Imperial Majesty's Government deems it necessary to enforce in all the ports in each Fu and Ken the Regulations for the Inspection of Vessels arriving from Localities infected with Cholera, which were promulgated

promulgated by Decree No 31, of the 15th year of Meiji, in respect to vessels arriving, either direct or through intermediate ports, after having left or touched ports in the above localities, and that in view of the urgent necessity of the measures for the welfare and protection of Japanese subjects and foreign residents, instructions have been given by telegram to enforce the said Regulations in each Fu and Ken on or after the 20th inst.

I beg leave, therefore, to request that Your Excellency will be so good as to take necessary steps at once in order to secure the observance of the said Regulations by persons and

and vessels belonging to the Nation which You represent.

I beg to add that vessels arriving at Yokohama and Yokio will be subjected to inspection at Nagaura, Sagami Province, Kanagawa Prefecture.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration

(Signed) Count Inouye Kaoru
H. I. J. M's Minister for
Foreign Affairs.

Enclosure 2
With Mr Hubbards No 163.

Copy
No 108.

United States Legation,
Tokio, Japan, May 19. 1886

His Excellency,
Count Inouye Kaoru,
H.I.J.M's Minister for Foreign Affairs
Sir.

I have the honor to acknowledge receipt of Your Despatch No 3026, advising me of the decree of Your Excellency's Government enforcing the Regulations No 31 re: for inspection of vessels as therein provided, and requesting me to take necessary steps to cause their observance.

I have complied with your request promptly by issuing necessary Orders to United States Consuls in Japan, and by asking

the

the cooperation of
Rear Admiral Davis,
Commanding United
States Naval Forces in Jap-
anese waters.
The United States Represent-
tive here appreciates the
gravity of the situation,
in the extraordinary early
appearance in Malignant
and fatal type of Asiatic
Cholera in His Majesty's
Dominions. He will prom-
ise in advance cordial co-
operation of all American
citizens resident in observing
the Regulations.
I avail myself of this oc-
casion to renew to Your
Excellency the assurances
of my highest consideration.
(Signed) Richard B Hubbard

Enclosure No 3. with Mr Hubbards No 163.

~~Copy~~.

No 106. United States Legation

Tokio Japan. May 9, 1886

Warren Gem Esq.

United States Consul General

Kanagawa.

Sir.

I herewith send you copy of an official despatch just received from His Excellency the Minister for Foreign Affairs, refering to the regulations for the inspection of Vessels from localities infected with Cholera, which were promulgated by Decree No 31 of His Imperial Japanese Majesty's Government of the 18th year of Meiji, and to the despatch herewith.

I have to request (the premises considered) that you will take the necessary steps at once (and as you did in 1885 under similar circumstances) in order to secure the observance of the said regulations by all citizens of the United States, resident in or visiting

Japan

Japan, and by all vessels flying the flag of the United States within the harbors or waters of this Empire. Now, as heretofore, to prevent if possible the spread of so fearful a scourge as Asiatic cholera, it is hoped and confidently anticipated that all American citizens on land or sea within the jurisdiction of Japan will strictly and cheerfully observe the regulations to which I have referred.

To which end you are hereby requested to make due proclamation (referring to this despatch) hereof to all U.S. Consuls in Japan and to all citizens of the United States for their observance.

I am Sir

Your obedient servant

(Signed) Richard B. Hubbard.

Enclosure No 4. with Mr Hubbards No 163.

NOTIFICATION.

ACCORDING to instructions received from the U. S. Minister to Japan, all American Vessels arriving from any Port in KIOTO FU, OSAKA FU, and HIOGO KEN either direct, or via Intermediate Ports, will be subject to Inspection in accordance with the Imperial Japanese Decree, No. 31, promulgated in the 15th year of Meiji, and Masters of American Vessels and all American Citizens are expected to conform to such Regulations. Vessels arriving at Yokohama and Tokio will be subjected to Inspection at NAGAURA, Sagami Province.

WARREN GREEN,
United States Consul-General.

Yokohama, May 20th, 1886. 1w.

Wm. Everett
17

DEPARTMENT OF STATE
JUN 16 1886
RECEIVED.

No 164. Acker. July 29 86
Oct 6.

United States Legation
Tokio Japan. May 24. 1886.

Mr Hubbard to the Treasy June 14 86

Secretary of State.

Subject:

Dr. Stuart Eldridge applies for the position of U.S. Consular health inspector of Vessels.

Tell the Treasy that it has been represented to the Dept. that an Inspector be appointed at Kanagawa & ask their views upon the subject.

GPO

No. 164. United States Legation

Tokio Japan, 24th May 1886.

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

I have the honor herewith to enclose a copy of a communication from Dr. Stuart Eldridge, long a resident of Japan, an American citizen of eminence in the profession of medicine, and so recognized by the Medical Bureau of this Government, and having previously been an assistant-Professor of Anatomy in the Medical Department of the University of Georgetown, District of Columbia in the United States.

Such

Such has been and is now the present status of the writer of the enclosed communication, and as such I bear testimony. Not being a Doctor of Medicine, I cannot speak advisedly as to this appointment, if one can be made, & which I am not certain, not having examined the Statutes on the subject indicated.

I know as a former despatch discloses that Cholera is appearing at an unusually early season in Japan this year, and gives cause for alarm. From my unprofessional standpoint I should respectfully suggest that such an appointment would be a most useful and probably a most necessary one under the circumstances.

I have the honor to be,
Sir
Your obedient servant
Richard B. Hubbard

Enclosure - as above

Enclosure with Mr Hubbard No. 164.

Yokohama Japan

May 21. 1886.

Hon. Richard B. Hubbard.

United States Minister

Sir:

In view of the fact that Cholera of most malignant type, exists epidemically, and is increasing in Hiogo and Osaka, I have the honor to request your attention to the following. There is a provision, but in what law I am unable to state, that, when deemed advisable for the protection of the United States from epidemic disease, a medical adviser shall be appointed to the Consulate, at the point from whence danger threatens.

The

The danger to our Country from this side of the Pacific is even more imminent than from Europe, and an appointment, as indicated above, should be made without unnecessary delay.

Should you think fitting, I would most respectfully request your influence in my favor. My long residence in this Country and Experience of several Epidemics of Cholera and my connection with the Japanese Government as its sanitary adviser, rendering me perfectly familiar with the condition of the Public health, somewhat especially qualify

qualify me to fill the duties of the position I ask. With my professional status and reputation you are, I think, sufficiently acquainted to feel assured of my general competency.

I am Sir.

very respectfully

(Sgd) Stuart-Eldridge M. D.

Member Imperial Health Board

Former asst. Prof Anatomy Med. Dept.

University of Georgetown D. C.

Mr. Everett
17

DEPARTMENT OF STATE
JUN 16 1886
RECEIVED.

3rd ASSISTANT SECRETARY
Ack by No. & file
JUN 16 1886

No 165

United States Legation
Tokio, Japan, May 24. 1886

Mr. Hubbard
To the Secretary of State

Subject:
Audience granted by the Emperor of Japan to Mr Parker, General Wilson, Mr Mansfield and Mr Travers

No 165.

United States Legation,
Tokio, Japan, May 24. 1886.

Hon Thomas F. Bayard
Secretary of State,
Washington

Sir,

I have the honor to report to Your Department that on this day in response to my formal request to His Imperial Majesty, the Emperor of Japan, His Majesty was pleased to grant a private audience to the Hon Wm. H. Parker, Minister Resident to Corea, and en route to his mission,

and

and to his Secretary of Legation, Mr Travers, and to General James C. Hibson, a distinguished citizen of the United States, and to Mr Frederick S. Mansfield, Secretary of Legation of United States to Japan.

On presenting them to His Majesty, each of my Countrymen were welcomed to Japan by the Emperor, who took occasion to express (as often heretofore) the earnest friendship of His Majesty and of His people, towards the Government and citizens of the United States of America.

To

To which Minister Parker and General Wilson most appropriately responded. On His Majesty's expression of pleasure at the friendly sentiments uttered by the U.S. Minister to Japan in introducing his Countrymen, I took occasion to assure His Majesty of the earnest interest my Government and people feel in the steady and hitherto rapid progress of His Majesty Empire, in all the elements of enlightened Government and self-sustaining national power.

I have the honor to be,

Sir,

Your

Your Obedient Servant
Richard D. Hubbard

DEPARTMENT OF STATE
JUN 28 1886
RECEIVED

Mr Everett
to W Barth. 29

United States Legation
Tokio, Japan, June 1. 1886

Mr Mansfield
To the Secretary of State

Subject.
Enclose oath of office.

United States Legation
Tokio, Japan, June 1, 1886.

Hon. T. F. Bayard,
Secretary of State,
Washington.

Sir,

I have the honor to acknowledge receipt of your instructions No 1, of april 27 1886, inclosing my commission as Secretary of Legation to Japan, having been confirmed by the Senate.

I beg to transmith my oath of office duly executed as directed.

I have the honor to be,

Sir,

Sir,

Your Obedient Servant

Frederick S. Mansfield.

Enclosure: As above.

file

DEPARTMENT OF STATE
JUN 28 1886
RECEIVED

W. Everett

29

No 66

United States Legation,
Tokio, Japan, June 2, 1886.

Mr Hubbard
To the Secretary of State,

Subject:
Monitor Claim

No 166.

United States Legation,
Tokio, Japan, June 2. 1886

Hon, Thomas F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to acknowledge receipt of Your Instruction No 160, of date May 21st -, relating to the "Monitor Claim". - I shall comply with your request and make the suggestion to Count Inouye as indicated.

I shall expect by the next American outgoing mails to be able to report the answer

answer of the Minister for Foreign Affairs, in response to our presentation of said claim. That Department has twice heretofore been reminded of the desire of my Government to hear its conclusions as to that claim.

I have the honor to be,

Sir,

Your Obedient Servant.

Richard B. Hubbard

Mr. Everett
8

Dept. of State
July 9. 86
Ans'd

DEPARTMENT OF STATE
JUN 28 1886
RECEIVED

No. 167.

United States Legation
Tokio, Japan, June 21 1886.

Mr Hubbard
To the Secretary of State

Subject:
Can Japanese become Naturalized Citizens of the United States?

3RD ASSISTANT SECRETARY
JUN 29 1886

Dr Wharton:

Naturalization is a judicial function, to be administered by a decree of a court of record. It is not for the executive to say who shall or shall not be naturalized by a competent court. Consequently we can express no opinion on the subject, especially upon a hypothetical proposition.

As to Chinese, there is little doubt that, from 1798 to 1870, only "free white persons" could

become citizens, and that from 1870 until 1882, only "white persons and persons of African descent" could be naturalized.

In 1880, our treaty with China recognized this exclusion of Chinese (as not being "white") by providing that nothing in the treaty should be deemed to confer on a Chinaman the privilege of naturalization in the U.S.

In the Act of 1882, Congress made a positive prohibition as to Chinese persons.

But, from time to time,

from 1870 up to within a few months ago, Courts in the U. S. have naturalized Chinese. I believe they have also naturalized Japanese - although they are not "white", but "yellow" -

Of course, neither the Chinese treaty of 1880 or the Act of 1882 have anything to do with the naturalization of Japanese. The simple question is, do they come under the head of "white persons and those of African descent?"

Ethnography answers by dividing mankind into five races", white, red, yellow, copper and black",

each of which has a distinct and accepted significance.

A Japanese is no more white than a red American Indian, or a copper-colored Malay is.

But — some courts keep right along naturalizing Japanese and Chinese, alleging same. Why? "How can?"

Whatever our private views may be, hypothetical discussion would be unwarrantable and unwise.

AAB

167.

United States Legation
Tokio, Japan. June 2 1886

Hon T. F. Bayard,
Secretary of State,
Washington,

Sir,

I have been asked for my opinion in my representative capacity as to whether, under existing United States Statutes, Japanese subjects in said United States are entitled to become "naturalized citizens". Since the late troubles, especially, in connection with the Chinese on the Pacific coast, and

since

since the introduction of certain measures in the present Congress, intended to aid in the enforcement of the Restriction Acts of 1882, which prevents Emigration of certain Chinese into the United States; and their future naturalization in any of the Courts of the United States; the question has been mooted here by some foreigners and Japanese, whether these series of acts relating to Emigration and naturalization (ostensibly in connection with the Chinese only) do not in fact also apply to the Japanese as part of the "Mongolian" race &c. I

have

have deprecated this discussion here, and in American circles at least, have, I trust, prevented it becoming public or offensive, and from gaining a place in the Press. I have a decided legal opinion on the subject, but have hitherto discountenanced the agitation of the subject, especially at this juncture when a "Treaty Revision Convention" is being held at Tokio and when certain European Powers, looking to commercial gains and material business speculations would not hesitate to curry favor with Japan by

arraying

arraying her prejudices against the United States, by asserting their legal opinion that our Country denied to Japanese the rights of naturalized citizenship; which, (our enemies would whisper in the official and the popular ear) was tantamount to saying they were still "outside barbarians".

I have therefore thought it proper to call your attention to this question for reference, if you deemed necessary, to the Attorney Generals.

The Editor of the only American newspaper in Japan submitted to me a brief of one of the

Professors

Professors of Law in the Imperial University of Japan, (and who is also a citizen of the United States,) favoring the view that under our laws and decisions, Japanese could not become naturalized. I ventured to advise this Professor — through the American Editor of the "Tokio Independent" — that even if he was correct, it was not called for, nor good policy, at least, to agitate this question just now. I dissented from that opinion; but in so doing, however, my opinion has not been officially, of course, promulgated, and

first

first reaches your Department of the Government.

To a few prominent Japanese (not officials) I have unofficially reiterated my views at their solicitation and which apparently gave them real gratification.

I herewith transmit copies of this entire private correspondence on this question.

If there is any doubt on this question - the naturalization of Japanese subjects in our Country - may I have the honor to suggest that as in Turkey Coterminous, I believe, with the

Concluding

concluding of the Extradition Treaty with Turkey, a "Naturalization Convention" might be now concluded with Japan, especially recognizing this right reciprocally.[2] It would be as in the Extradition Convention the first move in that direction, and will help us in all respects, besides being an act of justice and good neighborhood to Japan.

I have the Honor to be,

Sir.

Your Obedient Servant

Richard B. Hubbard

Enclosures 1 Law Brief

2 Mr Hubbard to Mr Earlake April 28 1886

3. Mr Eastlake to Mr Hubbard
April 28th 1886
4 Brief of Prof. Chas. M. Stows
on Naturalization of Japanese.

Enclosure No. 1 with Mr. Hubbards No. 167.

Copy.

United States Legation

Tokio Japan 28th April 1886.

F. W. Eastlake Esq.

My dear Sir:

You advise me of being informed that "neither Chinese or any "Mongolian race or Japanese could "become naturalized-citizens under the "laws of the United States". You respectfully ask my legal opinion on this proposition. I have no hesitation in replying that Chinese, under present laws of the United States cannot become citizens in the sense of the American Constitution; but that up to the passage of the "Restriction Act" on the 2nd day of May 1882, even Chinese could

could become "naturalized citizens" of the United States as any other aliens. As to Japanese subjects there never has been (and I might add there never will be) any restrictions, either as to their Emigration to, or Naturalization as citizens in the United States, in the full sense of citizenship, and as defined by the Constitution and laws of the United States. It is true that Congress did provide by a law (Still in force) that "Coolies" as such intended and bound for long terms of labor (denounced as the "Coolie Trade") and resembling the system of Mexican "peonage" whether from China or Japan or any Oriental country, could not be brought to the

the United States in that capacity, and for that purpose indicated. But even these "coolie" people among among the Japanese can now come to the United State as individuals, if volentarely done and if not hired as "coolies" for terms of labor in advance of their importation from their native land. Even the "Chinese Restriction Act," as to emigration and naturalization is by express reservation in terms under our present treaties with China, limited and temporary, and the said treaties give full consent of China to such action by the United States in making the present restrictions. There are however no treaties or laws authorizing or creating any restriction on Japanese subjects

voluntarily

voluntarily emigrating to or becoming naturalized as citizens of the United States of America, And there has never been any treaties or laws at any time in existence forbidding their emigration or naturalization. I have carefully examined all the U.S. Statutes at Large on this subject, and they completely sustain the views which I have herein submitted at your request.

I hand you herewith a Law-brief which I have hastily prepared in relation to the question propounded to me, which in addition to the foregoing note may aid in settling this legal controversy, (if there seriously be one) on these points.

I am my dear Sir

Yours Truly

(Sgd) Richard B. Hubbard.

Enclosure No. 2. with Mr. Hubbard's No 167.

Enclosed with Letter to Mr. F. W. Eastlake

Law Brief-

1. Prior to the Act (Section 2169) of 1875 United States Revised Statutes. there never was nor could be any contention as to the right of the Chinese or any other race, whether literally "free white persons" or not, to become naturalized citizens of the United States, same the African race. &c.

2. The 13th and 15th Amendments to the Constitution of the United States settled the question of African color and blood in favor of his citizenship forever &c.

3. The word "free white", aliens &c when used in American legislation for nearly a century, always was so used in express contradistinction

to

to the black or african races.
This grew out of the condition of Slavery
which being subsequently and
formally abolished by the 13th
and 15th Amendments, the question of
"color" no longer holds a place in
the interpretations of the rights to
naturalization or Citizenship. Else
why enact the law of May 6th 1882
saying that, "hereafter no Chinese shall
be naturalized &c" If the legislative
mind had any doubt then Congress
would have added the word "Japanese",
or at least the general and comprehensive
phrase "Mongolian races", after the
words Chinese, in the text of said
Statute of 1882.

It is moreover an ethnological
question of debate as to whether
Japanese

Japanese are really of the mongolian race proper as are the Chinese race. The majority of writers Japanese and foreign say that the Japanese language is not of mongolian type and origin. Yet they are not a white race literally; but they are free. There are many races not "white" besides Mongolians. No decisions of our courts have been rendered, and certainly no statute enacted which legally defines the words "Mongolian" or "Caucasian". In fact they have not been used at all in connection with any statute. The term "white" is used nowhere in the law-codes of any of the nations in connection with their subjects or citizens, save in the United States, and by them only in distinction to the black or african

races

races. Evidently the Chinese are, and have been, the only objects as a race, of hostile legislation in connection with either emigration or naturalization, and this latter only as late as 1882. See Vol. 22 U.S. Statutes at Large pages 60, 61. See. 14 [19th Howard 393] See Paschals Annotated Constitution page 112-113 Note 93: See Bates on Citizenship 15, where held that citizenship in the United States now cannot depend on color or caste, Id 14, 17, also that now "Since the abolition of slavery (the black race) the only disability to citizenship which is recognized under the Constitution as alienage" The only restriction in all our Statutes as to Naturalization is made against

Chinese

This page should be rewritten —

Chinese and none other, conveying thus just what Congress meant, and restricting that meaning specifically to what was said and to that extent and no more.

Turn over!

Chinese Ex nomine, not being left-
to the inharmonious and unsatis-
factory discussions of Ethnology,
as to what constitutes a Mongolian,
or black, or white man. The words
"White man" and "Negro" or "African"
have been always used in the
United States in common as well
political parlance (until the 13th
Amendment) to designate the then
free and enslaved races respectively
in the United States; and since
the ratification of the 13th Amendment
the white and black races occupy
the same political and legal status.
And when Congress designates (as it
has the right to do) what distinct
people may not be naturalized,
that body has used the word
"Chinese"

Enclosure A with No 167

Brief by Prof Chas. M. Storrs—

The United States Constitution Art 1. §8. confers on Congress the power, "To establish an uniform rule of naturalization".

There is no doubt that when Congress has prescribed a rule its power is exclusive, Since any regulations by a State not in force in every other State would break the rule of uniformity. The States have, therefore, by their assent to this provision, made Congress the exclusive depositary of the power to confer citizenship upon any class or race of people

Under this Constitutional authorization and power Congress passed (in 1798. I think) a law or rule of naturalization, which in express terms admitted only "free white persons" to the Status and privileges of citizenship. Under this law it would have been useless for a negro to petition a

Court

a court for admission to citizenship; he would have been met by the short and decisive answer: "You are not a free white citizen or person; no provision is made for granting you the privilege" This law remained in force until the results of the War of the Rebellion compelled changes in the law of naturalization and in the Constitution itself. To the national Constitution three amendments were added, only one of which, the fifteenth, could even in the remotest sense be conceived to touch the subject of naturalization. In my opinion it does not touch the subject at all. Although the fifteenth amendment forbids discriminations as to voters founded on "race, color, or previous condition of servitude", it does

not

not forbid discrimination in the naturalization laws. Indeed at the time when this amendment was adopted, only white persons were permitted to become citizens by naturalization, and the amendment to those laws since made only extends the privileges to aliens of African descent and nativity (Rev. Stat U.S. 1878 §§ 2169; act of July 14 1870 and amendment thereto of 1875 or 1876). It follows then that naturalization privileges in the U.S. are now open by express statutory language, to "white persons" and to persons of African descent and nativity. It will be observed that from the earliest time discriminations in the naturalization laws have been practised and seem to have been considered legitimate and constitutional. The first laws

only

only opened the door to "free white persons".

It will be further observed that the change affected by the legislation of 1870 is the expunging from the act of 1798 of the word free, and the adding of the clause extending naturalization privileges to "persons of African descent and nativity", i.e. negros. This was one necessary consequence of the war.

Again, it will be noticed that the legislation or act of 1870 is express in its terms, and exclusionary in its character and essence. Upon certain specified classes of the globes population only, may American citizenship be conferred by naturalization, i.e. upon "white persons" and negros.

In support of the foregoing observations let me quote from the

the work of an eminent lawyer and scholar, Mr John N. Pomeroy. His name is sufficient to carry weight. His remarks were made in 1863, the old laws being then in force and operation; but they have direct application to the question in hand, and are, perhaps entitled to the more credit from the fact that they have subsequently been partially confirmed by judicial decisions. He says (Municipal law p 422) "It "will be noticed that the naturalization laws are limited in "their operation to free white "foreigners. How far this exclusion extends has never (1863) "been judicially determined; "it of course covers negroes, and "was doubtless directed especially "against them. It will probably "be construed to embrace all races except those which are nearly affiliated

"liated to our own stock. His-
"tory shows that such related
" races may mingle, and have
" coalesced to form the most
" united peoples and most pow
" erful Empires; but it has
" as plainly demonstrated that
" races entirely dissimilar cannot
" unite and attain to that homo
" geneity necessary for a single
" people and a stable goverment"
" +++ But if we may trust
" at all to historical conclusions
" no length of common inter-
" course would ever reduce the
" English or French, or Germans
" and the Africans, or Chinese
" or Polynesians to one homoge-
" neous people.++ "These considera-
"tions furnish strong, nay,
"irresistable reasons for such
" a construction of our laws
" in reference to naturalization
" to foreigners as will establish
" and maintain the policy of

admitting

"admitting none to the status
"of citizenship except individuals
"from races nearly affiliated
"to our own national germain
"stock. This would cut off
"Africans, most Asiatics, the
"natives of the Pacific and East
"India islands, and probably
"the slavic races of Eastern Eu-
"rope."

The fact that "Africans" are mentioned among the excluded peoples cannot be said to impair the force of the reasoning. So many of that people were already on American soil, and released through the war, that provision had to be made for them. At the time when the above was written, 1863, the problem of what to do with the emancipated blacks, had not arisen. I remarked above that the present act of 1870 was exclu-

sionary

in its character and discriminating in its provisions. This will appear, I think, from a glance at the arguments and proceedings in Congress at the time of the passage of the law. Senator Sumner, with vigorous protest and language, urged the striking out of the word white, insisting that its insertion and retention would exclude the Chinese. Senator Morton replied, in equally vigorous terms, that that was one of the very things which were within the design and scope of the proposed law; that the United States were not yet ready and willing to extend the hand of welcome and of brotherhood to that nation beyond the Pacific, which, should such privileges be open to them, would

would swarm in myriad upon American shores. The law passed, then, with full knowledge of its exclusionary tendency; it shut out the Chinese, at all events, from citizenship privileges. In 1878, application was made to the Circuit Court of the United States for the District of California, by a Chinese subject, Ah Yup by name, for permission to be admitted as an American citizen. The Court called upon several lawyers present amici curiae, to argue before it the question as to the eligibility of the petitioner for citizenship in addition to the ~~petitioners~~ counsel, and then took time to consider the question, it being a case apparently of prima impressionis. Upon due deliberation and examination

of

of authorities, the application has denied purely and solely upon the ground that the petitioner did not come within the express provisions of the laws, so far as they related to the persons who might be naturalized. His nationality was against him. He was neither a "white man", nor a "person of African descent and nativity". I am of opinion that there is a later decision, in an U.S. Circuit Court, to the same effect, and rendered by Mr Justice Field of the Supreme Court, in which decision he states, arbiter of course, that all the Justices of the Supreme Court entertain the view that Chinese subjects are not naturalizable, under the existing laws in the United States. So for as the Chinese, are concerned, the question seems to be conclusively settled

settled. The question then re-
mains, "Does this law operate
"to exclude subjects of the Japan-
"ese Empire from the Status
" of American citizenship?
"Would similar ruling be
"made on application of Jap-
"anese to be admitted to the
"privileges of American citizen-
" ship"? To the best of my
knowledge and belief such
a question has not yet been
presented for judicial deter-
mination. So that to arrive
at an answer the only means
open is to proceed by analogy
and similitude.

The Chinese are excluded be-
cause they are "neither" "white
persons", nor negroes. They
are Mongolians, a people
of the yellow race or color.
According to the judgment
of eminent Ethnographers, and
physiologists and anatomists

the

the Japanese and the Chinese are kindred nations. As an example I cite Dr Baelz. The studies of this gentleman lead him to the conclusion that the Japanese and the Chinese are sprung from the same original stock, and are cognate Mongolian races. In affirming this conclusion Dr Baelz is in harmony and unison with the thoughts and writings of many distinguished investigators and students. If these facts, so strongly buttressed, and proclaimed so emphatically, are true, I see no escape from the inevitable, irresistable inference that when a Chinese subject is excluded from the privileges of American citizenship on the sole ground that he is a Mongolian, a person belonging

in

ing to the yellow race, for whom no provision is made by the subsisting naturalization laws, nay, against whom the law was presumably especially directed, and who falls neither under the head of the "white person" nor "person of African descent and nativity". A Japanese subject is likewise debared from admission to those same privileges. But supposing the scientific investigations and ethnographic deductions to be erroneous, it will hardly be claimed I think, that the Japanese are either "white persons" or negroes; and they would therefore not come within the class of persons who may "now be naturalized in the U.S., And, consequently to either horn of the dilema, I am

forced

forced to the reluctant inference, that the natives of the Japanese Empire are not capable of becoming full American citizens

Enclosure No. 3 with Mr. Hubbards No. 167

Mr. Eastlake to Mr. Hubbard.

Tokio April 28th 1886.

Hon. Richard B. Hubbard

U.S. Minister.

Sir:

I have the honor to forward you herewith a copy of a document kindly handed me by Professor Storrs of the Imperial University, relating to the naturalization of Japanese citizens in the United States.

Without going into particulars, I may state that the deductions arrived at in the enclosed brief set forth fairly well the opinions prevailing among many Japanese men of letters. With some difficulty, I have recently managed to keep the discussion

of

of the columns of the Japanese press: especially in the case of the "Jiji Shimpō" the most influential newspaper in this Empire, and the "Mainichi Shimbun", the organ of the Kwaishinto, or "Prognessans Party". The Editors of both of these journals are warm admirers of the United States, and have taken a lively interest in the question at-stake.

The way in which the matter was brought prominently before the attention of the Japanese public was as follows: Certain articles appeared in my journal, the "Tokyo Independent" relating to Chinese Emigration to the United States; these articles were largely quoted and discussed by the Japanese press, and the pertinent

question

question was raised whether or not, the restriction of Chinese Emigration might not be made to apply to the people of Japan as well. The conclusions drawn were that the Japanese stood very little chance of becoming naturalized citizens of the United States, and it came to my knowledge that some of the most prominent journals in Tokyo intended to discuss the matter from this standpoint. I prevailed upon Mr. Fukuzawa, Editor of the above mentioned "Jiji Shimpo", to postpone the discussion of the question; deeming the present time, the treaties being just subjected to revision, unpropitious. The matter of Chinese Emigration had been frequently brought up by the Japanese Press, and treated

treated in a manner unfavorable to the United States; and it was therefore advisable, in view of the cordial relations of the two countries, to keep the subject of Japanese naturalization in the United States from being dwelt upon and investigated by the newspapers of this country.

To shew the interest manifested in this matter, I would respectfully call your attention to the fact that Mr. Fukuzawa has already instructed one of his countrymen, now in the United States to apply for naturalization.

Trusting that the question will receive the attention of the United States Government at an early date.

I have the honor to remain

Most respectfully and obediently Yours

H. Warrington Eastlake

DEPARTMENT OF STATE
JUN 28 1886
RECEIVED

W. Everett
29

No. 168.

Treasury circular of June 30. 1886 encloses

✓ Copy to Secy
Copies of preceding inclosures

United States Legation

Tokio Japan, 2, June 1886

Mr. Hubbard

To the Secretary of State.

Subject:

Foreign trade of Japan for February and March 1886.

Enclosure filed in B of S.

No 168. United States Legation

Tokio Japan. June 2, 1886.

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

I have the honor to transmit herewith for your information and that of the Honorable Secretary of the Treasury, the official return for the months of February and March of the "Foreign Trade of the Empire of Japan."

From which it appears, according to the report for February, page 1. table 1, that the total value of commodities exported within said month was Yen 3,249,203.$\frac{716}{}$ and the value of imports thereof was Yen 2,133,796.$\frac{28}{}$ shewing that the exports exceeded the imports

imports in value to the amount of yen 1,115,407.466. It also appears, pages 494, that the total value of specie and bullion exported during the same period was gold 2,664.531 yen, against an import of 15,380.384 yen, and for silver an export of 361,284.10 yen against an import of 462,873.715.

According to the return for March it appears, page 1, table 1, that the total value of commodities exported within that month was yen 3,457,753.27 and the value of the imports thereof was yen 2,333,028.03 shewing that the exports exceeded the imports in value to the amount of yen 1,124,725.221. It also appears from the same return, pages 494, that the value of specie and bullion exported during

during the month of March was gold, none, against an import of 146,605.481 gold Yen. and for silver an export of 475,233.538 against an import of 196,834.916.

I have the honor to be

Sir,

Your obedient servant

Richard B. Hubbard

Enclosures — Separate Monthly Return of the Foreign Trade of the Empire of Japan, for February and March 1886. in duplicate

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DEPARTMENT OF STATE
JUN 28 1886
RECEIVED.

W. H. Everett
29

No. 169.

United States Legation

Tokio, Japan, June 2nd 1886.

Mr. Hubbard

To the Secretary of State

Subject.

Receipt of flags for Legation use.

No. 169. United States Legation

Tokio, Japan June 2nd 1886.

Hon. Thomas F Bayard

Secretary of State

Washington, D.C.

Sir:

I have the honor to acknowledge receipt of two large "American Ensigns" received from the Department by the last mail, and for the use of this Legation.

I have the honor to be,

Sir,

Your obedient servant

Richard B. Hubbard

3RD ASSISTANT SECRETARY.
acted July 4th, 1886
JUL 10 1886

DEPARTMENT OF STATE
JUN 28 1886
RECEIVED

No 170

United States Legation,
Tokio, Japan, June 2, 1886,

Mr Hubbard
To the Secretary of State.

Subject:
Treaty Revision Conference

No 170.

United States Legation,
Tokio, Japan, June 2, 1886.

Hon. T. F. Bayard,
Secretary of State,
Washington

Sir,

Since my first despatch informing you of the meeting and organization of the Treaty Conference on May 1st, I have been supplied with duplicate printed copies of the several Drafts &c, relating to the proposed revision of said treaties, which I now have the honor to transmit to Your Department as follows to wit;

to wit:

"The Order of Discussion".

"Draft Revised Convention".

"Revised Tariff".

"Draft Jurisdictional Regulations".

"Draft Passport Regulations".

"Draft Harbour Regulations"

"Draft Regulations for the

"Payment of Tonnage and

"Light Dues".

"Draft of the Public Ware-

"house Regulations".

"Draft Bonded Warehouse

"Regulations".

"Draft of the Regulations for

"the Charter of Foreign Vessels.

"Tariff of Storage Charges".

"Draft of the Trade Regulations".

"Report of the Special Committee".

Table A

"Table A: Showing cost of
" Construction and Maintenance
" of Light Houses, Lightships,
" Buoys and Beacons from
" July 1868 to July 1885."

The Conference (as I feared from late indications) will not be successful, in so far as uniting in any fair and just concessions to Japan in the matter of tariff or jurisdiction.

Three sessions have now been held, and the last one, with the sole exception of the United States Delegate, remitted the proposition for a "Revised Tariff" - after long and inharmonious discussion to a

Committee

committee to do the work over again, and only recognizing what the European Delegates termed "Ad valorem" Counter-project of the Conference of 1882.

The above discussion disclosed in my opinion (I hope the result may prove I am mistaken) not only an intention, but an expectant pleasure in seeing the Conference fail to give anything of consequence to Japan.

I am now earnestly of opinion that the United States should have followed the time honored policy of having no "alliances" or quasi

leagues

league with European Powers on any Diplomatic question, whereby we might become bound constructively — at least by the "foreign policy" of other nations.

Independent action on our part would have been better. To have let the other Powers pursue their own course, and to have assured Japan our readiness to treat with that Government as a distinct and independent power, would have ensured all the guarantee our country wished, and placed Japan by such recognition on a higher plane of

National

National autonomy.

I have the honor to be,

Sir.

Your Obedient Servant.

Richard B. Hubbard

Enclosures. Fourteen printed documents as above — Separate

file

Mr Everett
29

No 171.

United States Legation
Tokio Japan, June 2, 1886.

Mr Hubbard
Ist the Secretary of State.

Subject:
Receipt of instructions

No 171. United States Legation

Tokio Japan, June 2, 1886.

Hon. Thomas F. Bayard.

Secretary of State

Washington D.C.

Sir:

I have the honor to acknowledge the receipt of your instructions numbered respectively 74, 75, 76 and 77.

I have the honor to be

Sir

Your obedient servant;

Richard B. Hubbard

Reports & Log books with Consular letter of June 30/86 Cincinnati

DEPARTMENT OF STATE
JUN 28 1886
RECEIVED.

W. Lovett
29

No. 172.

United States Legation

Tokio, Japan June 2nd 1886

Mr. Hubbard

To the Secretary of State

Subject.

Daily Weather Reports for May 1886.

also "Meteorological Reports for 1883, 1884 & 1885".

No. 172.

United States Legation

Yokio Japan June 2nd 1886

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir:

Herewith I beg to enclose for the information of our Signal Service Bureau the daily weather reports for the month of May of the Imperial Meteorological Observatory at Yokio, also a bottle of the Monthly and Yearly means, Extremes and sums for the years 1883, 1884 and 1885 published by the same institution.

I have the honor to be, Sir,

Your obedient servant

Richard A. Hubbard

2 Enclosures as above - Separate

To Treas.

DEPARTMENT OF STATE
JUL 6 1886
RECEIVED

013.
7

No 172. his V To acknowledge receipt of Treasury circular of May 20th 86 July 7, 1886

United States Legation,
Tokio, Japan, June 10, 1886.

Mr Hubbard
To the Secretary of State,

Subject:
Transmitting "Notice to Mariners" respecting the Mitsu-gahama Light.

No 172 bis

United States Legation,
Tokio, Japan, June 10. 1886.

Hon T. F. Bayard,
Secretary of State,
Washington.

Sir,

I have the honor to transmit, herewith, for your information and for the information of the Secretary of the Navy, five copies of "Notification" No 47 of Department of Communications" of the Japanese Government, being "Notice to Mariners" respecting the Mitsugahama Light

J

I have the honor to be,
Sir,
Your Obedient Servant
Richard B. Hubbard

Enclosures as above

3RD ASSISTANT SECRETARY.
Acknl. July 14, 1886
JUL 10 1886

DEPARTMENT OF STATE
JUL 6 1886
RECEIVED

No 173.

United States Legation,
Tokio, Japan, June 10. 1886.

Mr Hubbard
To the Secretary of State.

Subject:
Treaty Revision

No. 173.

United States Legation,
Tokio, Japan, June 10 1886,

Hon. T. F. Bayard,
Secretary of State,
Washington,

Sir,

Referring to my despatch number 170, which I had the honor to transmit by the last American mail, in which I respectfully ventured to express the opinion that from indications up to that writing the Treaty Conference would not be a unit in making any substantially valuable or advanced concessions to

Japan

Japan either as to tariff or jurisdiction. Since that despatch, one session has been held, at which was exhibited better manifestations of liberality in the discussions of the propositions submitted to the Conference. At this stage of the proceedings of the Conference no work has as yet been perfected, being in legislative parlance, in the process of reaching conclusions through the various reports of the committees, and the several readings of the Drafts submitted to the main body of the Conference. Hence I will

will not trouble you with anything like a report of its proceedings or debates, all of which are preserved verbatim by the Japanese Government in three languages, English, French and Japanese. When definite action has been taken on these measures, or propositions as they arise in the Conference, will shape my despatches accordingly.

I will be allowed to say, however, in this connection, that I have, since entering on my mission here, endeavored to familiarize myself

myself with the history of
all this past Treaty Revision
question; and following
your instructions the more
earnestly, because they coincid-
ed with my own convictions
of right; and encouraged
especially with the spirit of
your unofficial advice on
the same subject as to my
future course in the confer-
ence. I have had a kind
and course since my last
despatch to realize the
soundness of your views,
and to feel more hopeful
of mutually beneficial results
to Japan and the Treaty Powers.

I, of course, refer to your

expressed

expressed
hope, that the United States
Minister would earnestly
impress upon Japan and
the Conference, the fact that
the United States had not
receded from her former ad-
vanced position on this
question; but was now
the more ready to unite in
substantial liberal concessions,
because of the marked prog-
ress of this Empire towards
National intelligence and
good government since 1882,
when the first Treaty Confer-
ence was held at Tokio.

An occasion presented itself at
the fourth session requiring an
expression of my opinion on

this

this question. It was in connection with the discussion of the "Revised Tariff" proposed by Japan to the Conference, which was opposed by all the Delegates, save myself, on the ground principally that Japan was proposing a mixed Tariff, ("ad valorem" and "specific",) which would be onerous to Commerce and implying in their arguments, - that it was not wholly just to the Treaty Powers &c &c. To which I replied briefly but succinctly, giving my adhesion, ad referendum, to the "Revised Tariff" now submitted by

the

the Japanese Government, through Count Inouye, the President, and my reasons therefor, in which I endeavored to show, that while some of the articles mentioned on which "Specific duties" were levied in this "Revised Tariff," had possibly fallen in value since 1882, that as a whole it was — liberal and just, and certainly exactly equivalent in "dutiable values", and corresponding to the ad valorem rates heretofore (1882) agreed to by all the Powers, except the United States.

That if any item to day showed discrimination, or

wound

would act as a prohibitory tariff it could be corrected by the Conference; but that we should take and consider the propositions submitted by this Government without formulating a new project. I gave my reasons why Japan should have the most potent voice on this purely financial proposition, underlying the tariff on imports; That while the Japanese Government did not demand, and did not even request, that extraterritorial jurisdiction should be yielded at once or even at an early day, or until Foreign nations were convinced

vinced that Japan's Courts of justice might be trusted to protect property, liberty and life of their citizens and subjects; yet as to their finance and exchequer, Japan did have the clear right to day to expect, and even demand, of all just treaty Powers a recognition to a large degree of that right to exercise at least tariff autonomy. As it was, she did not ask such autonomy; but only sought an "ad valorem" and "specific duty" tariff, which was reasonable and just to all peoples; and I referred to records and history showing that the tariff proposed

posed was on an average much less than the tariff imposed by the nations present (except England & Belgium,) whose excise duties however and import duties on tobacco and spirits tea &c &c was fifty per cent higher than Japan's proposition of a tariff; and requested to be corrected if wrong in my statements. 2nd I also endeavored to show from official riports of the "Foreign Trade" of Japan with all nations for 1885, that the United States had a larger interest in this question of trade with Japan than any other Power, receiving over thirteen millions

millions more exports from Japan than Great Britain; ten millions more than France; and fifteen millions more than Germany &c. That of this large export the United States allowed fourteen millions to come duty free &c &c. I merely give a sort of birds eye view of my argument, which will hereafter reach you in full.

At the last meeting (one week after this occurred) the German, Belgian, Dutch and British ministers delivered carefully prepared speeches in answer to my remarks at the former meeting, evi-

dently

deadly concerted, too, in which while referring both to the United States Minister and his country in terms of high compliment, (which I did not expect or deserve for myself, but which our Country did deserve) they took occasion to deny that their Governments were unfriendly to Japan, or wished to block her way to higher recognition by Western nations; and that the United State could not be permitted to play the role of the chief redeemer of this country, as she claimed already the honor of opening it a third of

a

a century ago to the out-
side world. They reiterated
in part their former argu-
ments, but evinced a better
spirit and intention not to
be outdone by the United
States in liberal action towards Japan.
I replied to them on their
stand, calmly, in good tem-
per, and from facts, and
figures, and records, and
history. I think fully and com-
pletely answered all their ar-
guments. It was not wholly
a grave discussion — as oc-
casions presented themselves
to relieve the ordinary tedium
of such bodies, by friendly
badinage between the Dele-

gates.

gates of the different Powers, in which the United States was able to "hold its own", even if we stormed no outer forts, nor "reduced the works of the enemy"! One result is, that an "ad valorem" Tariff has been agreed upon, (the one agreed to in 1882,) and the only work now remaining to do on the Tariff is to adopt a "specific duty" list, founded on the mean "dutiable values" of the last two years of such imports as are not already included in the "ad valorem" Project.

Count Inouye and the Second Delegate of Japan were

were exceedingly gratified at the position of the United States on this question, and the manner of its presentation; and while I would not have you, Mr Secretary, or my Government, in the least to infer from this despatch that my humble efforts have been especially or solely helpful to this People; it may be, I hope respectfully. — as it is gladly suggested, that in this Conference so far, neither our interests nor our honor - or influence in Japan, have suffered in form or substance. I hope the

present

present gives earnest of the future.

At an early day I hope to be able (so soon as printed) to send you the Protocols of the earlier meetings, including those sessions to which I have had the honor to refer your Department in this despatch.

I have the honor to be,

Sir,

Your Obedient Servant

Richard B. Hubbard

July 6. Ack'd as entered July 9. Refer to Mr. Ford

Mr Lovett
&
Mr Ford

No. 174.

United States Legation,
Tokio, Japan, June 11 1886.

Mr Hubbard
To the Secretary of State.

Subject:
Information about the
manufacture of Lacquer ware.

(Copied - July - 1886).

No 174

United States Legation
Tokio, Japan, June 1, 1886

Hon T. F. Bayard,
Secretary of State,
Washington.

Sir,

Herewith I have the honor to transmit translations, by Dr N. N. Whitney, Interpreter to this Legation, of two interesting articles from the "Manufactures of Japan in Popular Form", as issued by the Educational Museum at Tokio; One on the "Manufacture of Gold Lacquer" for which

Japan

Japan is so deservedly noted; and the other on the "Production of Lacquer Juice" — from which the lacquer is made. To these articles are appended two valuable papers from the transactions of the "Asiatic Society of Japan"; the one by Mr J. J. Quinn British Consul at Hakodate; on the "Lacquer Industry of Japan"; and the by Miss C. Rockell and M. Yoshida on the Chemistry of Japanese Lacquer; the latter of which on page 219 gives some exceedingly interesting facts concerning the chemical

Constituents

constituents of lacquer juice and the chemical changes through which this substance passes in its course of manufacture.

These papers I have no doubt will prove an interesting contribution, illustrating one of the great industries of the East, now comprising so valuable a part of its Home and Foreign Trade

I have the honor to be,

Sir.

Your Obedient Servant.

Richard B. Hubbard

Enclosures As Above.

Enclosure No. 1 With Mr. Hubbard's Dr. 174.

The Manufacture of Makiye

or Japanese Gold Lacquer

Translated from "The Manufactures

of Japan in Popular Form" issued

by the Educational Museum at Tokyo

Makiye (gold lacquer) is the name

given to a kind of painting drawn

with gold powder upon a lacquered

surface.

The time of the first introduction

of this art is not exactly known;

but it is supposed that it was at

about the time of the Emperor Shomu

(A.D 727). In a work called "Variations

of Ise" (a province of Japan) mention is

made of some poems being written

on stone with green moss cut into very

small pieces in the form of Makiye*

*Makiye literally means sprat or planted pictures

and in the Tales of the Genji (11th century) references are also made to the existence of Makiye at that time. From these and other sources we are led to conclude that the art of lacquer painting was known as early as the 9th century A.D. and from which time improvements were made.

Among the names of many of the great masters in this art which have been handed down to us are those of Toki Myōdō Kōami who flourished in the time of Ashikaga Yoshimasa and Hōami Kōyetsu in the time of Toyotomi Hideyoshi deserve especial mention, as well as Kōami Masayoshi, Ogata Kōrin and Yamamoto Shunsō, whose names are well known to us in connection with this art.

It would be impossible within the limit of this short paper, to describe fully the different styles of gold lacquer painting; for, like other arts, it has developed gradually until it has attained the perfection we now see. We shall therefore confine ourselves briefly to give a general sketch of the mode of lacquer painting.

The first step to be taken in lacquer painting is to sketch the outline of the picture to be drawn and then draw on the picture upon a kind of very thin paper called Usu yo. On the reverse side of this paper the outline is again traced with the lacquer called jigata urushi or ground work lacquer, which is composed of Yoshino lacquer, Nashiji or gold dust (filings) and cinnabar

previously roasted to prevent its drying. This paper is then laid on the article to be lacquered and is rubbed with a spatula made of Shinoki a species of fern, Thuya obtusa, and on removing the paper the design is seen traced in lacquer upon the object.

Those designs in which there are many flowers and birds, should be painted little by little especially in April and May or August and September when the lacquer dries rapidly; and should be powdered with gold, silver or tin dust, according to the quality of the work. This dust should be brushed off quickly with a brush made of long soft hair called Keba (See fig no. 4) and then varnished over with lacquer. The article

Should

Should then be put in the drying press called a Suro for 24 hours, and afterwards rubbed smooth with a piece of charcoal made from Camellia wood, and some finely powdered whetstone and finally with soft paper. This should be repeated three or four times. Flowers, birds and landscapes, also figures of men and women are drawn in this way. Their elaboration, such as the veining of leaves, the drawing in of the feathers of birds or the stamens etc., of flowers, is called Kenchi and requires further work and is usually done in the following manner: the above mentioned details are painted in with lacquer, and then covered with gold dust and well rubbed so that the dust becomes firmly attached to the

the lacquer, and after it is dry it should be rubbed with Yoshino lacquer and polished with powdered whetstone. The last hand to which special attention is paid is rubbed with powdered charcoal of Kaiyo stramia indica and powdered deer's horn under the finger. By this means it attains a fine polish and after which it is wiped with cotton cloth. This is the usual method of making flat gold lacquer.

To draw a picture upon a flat surface, first remove the paper on the reverse of which the outline of the picture has been traced in lacquer, from the plate, when the picture so transferred to the object will have the appearance shown in figure 2. The ground within the outline should then be varnished over with

ground-work

groundwork lacquer mixed with cinnabar taking great care with the shadows of the flowers and the sunny parts of the leaves, then gold dust should be applied with the brush called Kebo- figure 10, the color coming out in the flower as in figure 3. It should then be rubbed with Suri Urushi (rubbing lacquer), and wiped off, the process being repeated until the lacquer is thoroughly rubbed in, and the color of the flower becomes rather dull. Next, the stamens of the flowers are carefully painted in as shown in figure 5 and before it dries gold dust is powdered on with the brush called Keibo (fig 10) and lacquer applied. After drying, the surface is rubbed with Charcoal, wiped with paper and polished powdered whetstone, when

when it presents the appearance as shown in figure 6.

In the manufacture of lacquer of the best qualities there different methods of drawing are employed for the weaving of leaves etc such as wara gaki' taka waragaki; Surigage & Mushigage, in the decoration of which gold filings called Nashiji, shells called Kingai and Aogai, gold and azure shells are used.

Surigage and Mushigage are the two methods of making takamakiye or raised gold lacquer. The process known as Surigage consists in tracing over the outline figure represented in figure 2 with groundwork lacquer or size and afterwards drying, the body is formed by applying Sabimi lacquer

mixed

mixed with whetstone powder and drying again. Next the surface is ground smooth with charcoal called Kohoku (from the wood of the Honoki, Magnolia hypoleuca) or with the Tokusa or scouring rush (Equisetum hyemale), and then Yoshino lacquer is rubbed on, after which a coat of taka maki lacquer is applied (taka maki lacquer is made by roasting half a cupful of nashi roiro (blackcolored) lacquer in an earthenware vessel for a little while, and then mixing it with the other and unroasted half cupful), which after drying is polished with Kōhoku (charcoal). Sizing lacquer is again applied to the surface and gold dust dusted over, and Yoshino lacquer is rubbed on when it is dried. The rub-

subsequent steps are the same as in the preceding article

"Mushiage" is made in the following manner: First rub over the design with Shita maki or groundwork lacquer composed of yoshiro and seshime lacquers, and Benigara (red oxide of iron) and apply Kohoku (charcoal) in powder with the flat brush, after which varnish over with lacquer and dry in the press. This is called Shita maki. Over this yoshiro lacquer with some crude camphor is rubbed, and the surface is then rubbed down with kohoku, after which tate maki lacquer is applied and the process of rubbing down with the charcoal repeated. Over this some groundwork lacquer is rubbed, and gold dust

applied

applied as shown in the preceding examples; but the higher the quality of the article the oftener the process is repeated.

The several kinds of lacquer juice used in the preparation and manufacture of Makiye (gold lacquer) are purified by frequent straining through yoshino paper; the kind called ji-giki (ground work) is lacquer which has been mixed with cerinabar and then strained.

The kegai (grain shells) if thick, should be applied before the ground is rubbed down, but if thin not until afterward. Lacquer is then applied all over the shells and the whole is rubbed with soft stone until they come out.

Kingai (gold shells) are employed in the following manner; the ground

picture

pictures is drawn in sumiye and the stamens and other parts of the flowers are painted with a thick sticky lacquer upon which gold or silver (clouds) shells are attached, those portions of the shells which extend beyond the margins of the picture being cut off with a knife, and the edges of the shells varnished and dusted. Hiroi-kin is the name given to the finest qualities of gold shell lacquer and is used in the representation of flowers grass and rocky hills.

Ji maki. Gold dusts used in ji maki are either coarse or fine, according to the quality of the article to be manufactured. Nashiji the finest filings reduced to sprinkled a chamber

tube

tube fitted with a silk gauze at the lower end, over the drawing in lacquer which has already been rubbed. In sprinkling the dust its coarseness or fineness is determined by the size of the meshes of the silk which covers the end of bamboo tube.

There are also kinds of ji make called kin hira me and gin hirame, gold and silver flakes, made by attaching each leaf or flake by means of a dampened brush or spatula.

The following are the names of the several kinds of gold dust or filings used in the manufacture of the various kinds of gold lacquer.

Mi Sen Shu Ko - thin vermilion colored powder

Jōjō Ko - Double extra powder.

Yaki kin goku Nin jō - finest powdered pure gold

Yaki

Yaki kin mijin - fine pure gold powder

Yaki kin hana ko - pure gold flower dust -

Yaki kin mijin tsune - pure gold powder, common pure

Yaki kin tsune - pure gold common

Ao ko - green powder

Koban hana ko - flow dust (of quality of Koban

(7.4 gold 2.6 silver Quin)

Koban mijin tsune, Koban common fine -

Koban tsune - Koban common

Sudzu ko - tin powder

Shakudo ko, silver and copper powder

Gin ko - silver powder.

Gin goku mijin, finest powdered silver

Gin mijin, powdered silver

Gin hana ko - silver flower dust

Gin mijin tsune - common fine silver powder

Gin tsune - silver powder common

Yaki kin nashiji Kosan - pure gold nashiji

smallest or finest of stones (kinds)

Yaki kin

Yaki-kin nashiji kesho san, - common
pure gold nashiji.

Yaki-kin nashiji osan - coarser pure
gold nashiji

Kingin hirame kesho san, common
gold & silver flake

Kin gin hirame osan - large & coarse
gold & silver flake

Kingai includes Kin gin, and ao gai
or gold, silver, and green shells.

Rayu includes green, red, and Kiyu-kyu
(Loochoo) shells.

A few of the most used implements
used in the manufacture of lacquer
are given in the different figures given
here below, also the different lacquers
used in the production of Maki-ye.
or gold lacquer.

Figure 201

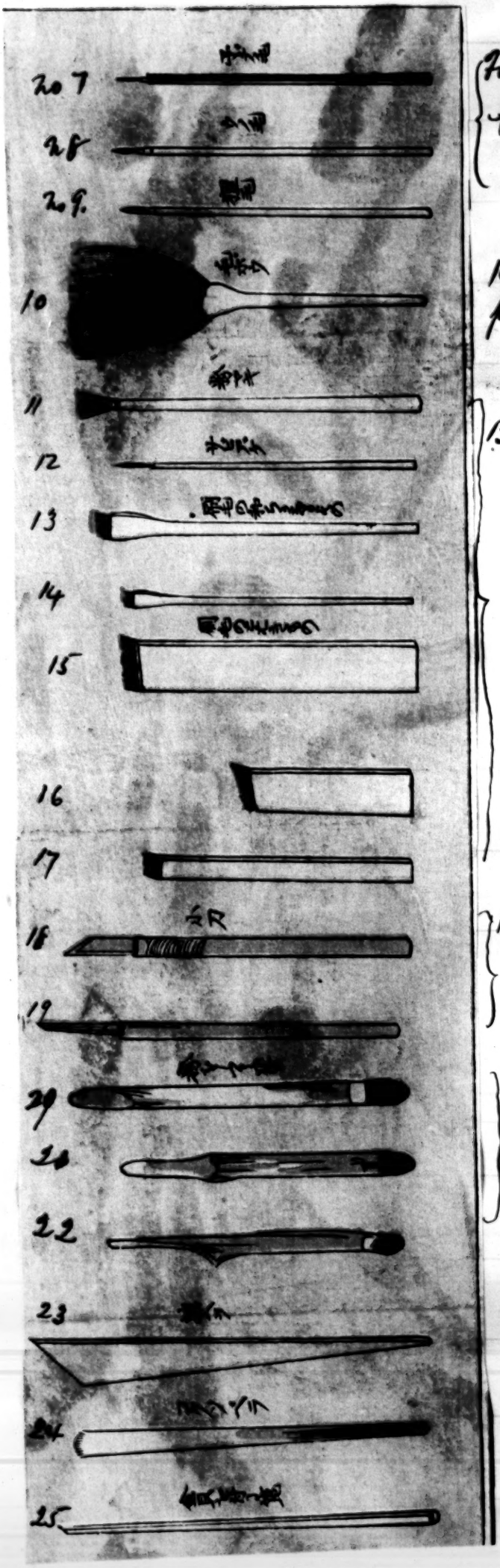
(2)

(4)

(3)

(6)

(5)



Fine and coarse brushes for painting

Kebō for dusting off powder

Brushes for varnishing

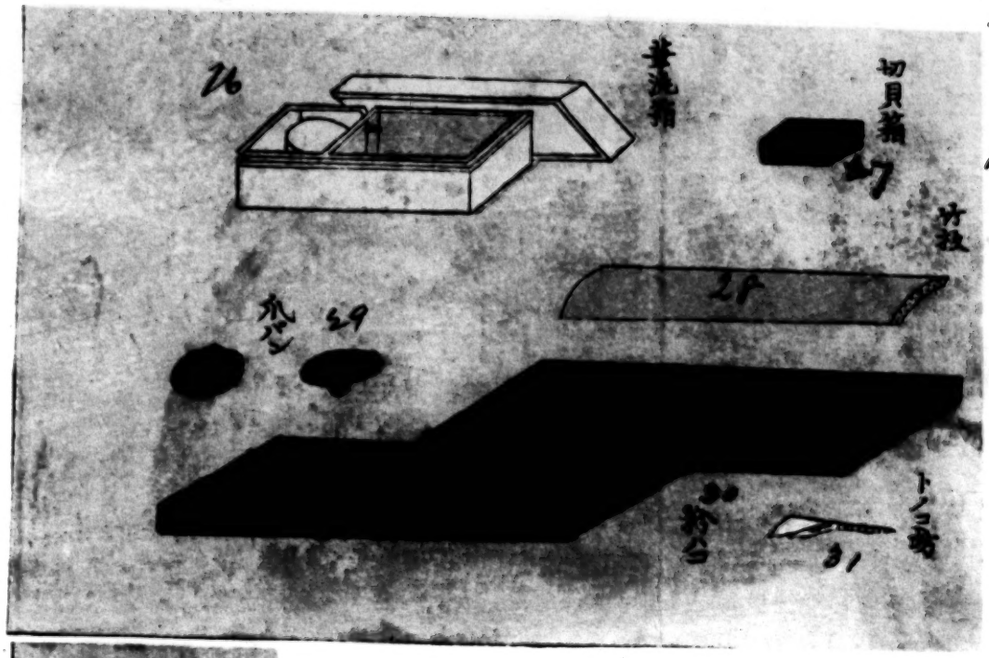
Knives for carving

Sieves for dusting powders & gilings

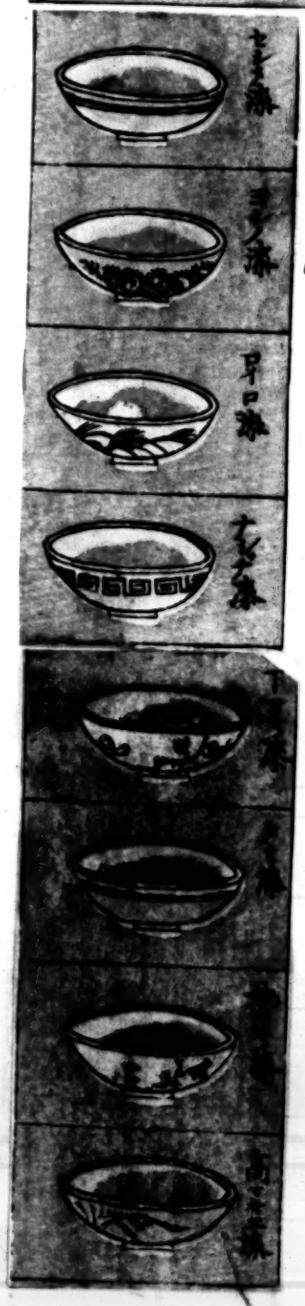
Spatula

"

"



26 Box for washing brushes
Box for (27) shells
Bamboo slabs (28)
Rubbers (29)
Dust-trap (30)
(31) - knife for scraping whetstone powder



Se Shime lacquer
Yoshino "
Ro iro "
Nashiji "
Shita nori "
Tami "
Jugaki "
Taka maki "

Enclosure No. 2

The Production of Lacquer from the Manufactures of Japan in Popular Form.

Lacquer is abundantly produced in Japan and China. That grown in Japan is of the finest kind and has long been considered the best by the Countries of Europe. Lacquer work is one of the most important articles of Commerce. Wax is also manufactured from its seed: thus it is of great utility to the country.

The following is a simple description of the tree and the mode of manufacturing lacquer from it.

Lacquer trees are of two kinds: male and female. The male tree bears no fruit. When full grown it attains a height of from 35 to 40 feet. It is usual to take the lacquer from trees, which are from 4

or 5 to 7 or 8 years old. When this is done they are cut down hence there are no old lacquer trees. In places where the wax is manufactured lacquer is very seldom taken from the tree. In Aidzu and Gone-zawa wax is abundantly manufactured and there large lacquer trees are numerous. There are two ways of cultivating the lacquer tree; one is to raise it from the seed and the other from the root. Before sowing the seed pound it in a mortar then take the wax off it and wash it by rubbing it in lye water. After this put it into a bag and leave it immersed in water or in the urine of horses until the next Spring. Before the Spring Equinox break up the ground and when it is about the 10th of May scatter the seed over the field and cover it lightly with earth.

The other way is to cut the roots and plant them in order and divide them from those places where the bud comes out. Trees cultivated in this way are liable to wither early so that the other mode of cultivation is far superior. The success of lacquer taking depends upon the quality of the soil and the character of the tree. A good tree will after 4 or 5 years be more than 7 inches in circumference. Usually lacquer is taken after 6 or 7 years. The mode of obtaining it is to make a cut crosswise on the tree with a curved knife called "Kaki gama" (shown in fig. 1.) Then make a small line by another cut (deep incision) with the point on the hinder part of the curved knife just in the centre of the cut already made. The fluid which then exudes is collected in the iron spat-

-ula or spoon (fig 2) and poured into the bamboo cup (fig 3) which is carried at the waist. In this way one line of cuts only is made on one tree; another line on the next and so on taking some lacquer from each tree. After 4 days make another cut just above the previous cut on each tree and proceed as before. Thus making an incision after every four days on each tree it is cut off just above the roots and the whole tree is full of cuts as in the figure. The figures of the tools for taking lacquer are given below; the cup to keep it in is sometimes also made of walnut and Ho. wood.

The season for collecting lacquer begins and ends in October.

Those lacquers which can be taken at the beginning

beginning and End of the season are not
of good quality; but those which are taken
at an interval between the End of Summer
and the beginning of Autumn are the
best; the first which is gathered between
and the Autumn
Equinox is called the "Hen": the second
which is gathered after
the "Kiragaki"; the third
is taken by making Cuts in the tree after
the second is over because the Lacquer sap
descends after the Autumnal Equinox, while
it ascends during the time from the Vernal
to the Autumnal Equinox. This Kind of
Lacquer however is not of the best Quality
neither is that (the 4th Kind, which is
taken in October after the 3rd is quite over.

Lacquer is gathered from the
branches of the tree in the following way.

Cut branches from the tree 2ft 6 or 7 inches long - bind these twigs into a bundle about 1ft. 6 or 7 inches in diameter and immerse it in water from 10 to 20 days. When it is taken out of the water the bigger twigs should be cut crosswise into lengths of 2 or 3 feet with the scratching sickle, which, having a little bamboo stick on its handle (as in fig. 7) makes it easy to turn the branches while cutting. The smaller branches should be cut with a double edged knife and put aside one by one - the juice which exudes from these branches should be collected in the cup - (fig. 3).

In countries where lacquer wax is manufactured it was never thought proper to take Lacquer from the female tree lest it should injure its growth; but latterly it has been done by cutting the bark, not so closely

as in the male tree; but only making a line of cuts every 5 or 6 feet, which does no injury to the growth. The bark of a large tree is so thick that the instrument shown in fig. 7 must be used at first and then make the cut as in other cases.

Mountain Lacquer

Another Kind of Lacquer tree called "yama-urushi" grows wild among the mountains; but it yields so little juice that no Lacquer is ever taken from it. Wax is manufactured from the fruit of this tree, which differs in shape from that of the Lacquer tree first mentioned.

There is also a Kind of Creeping Lacquer tree, which yields even less juice that the "yama-urushi". This is called Tsuta-urushi. Lacquer trees abound in the Eastern Provinces, but not in the

The provinces of Echizen, Goshiro in Yamato, Iwashiro, Aidzu, Gomegawa, Mogama, Yamagata, Nambu in Rikuchu, Fukuoka in Mutsu are famous for their production of good Lacquer and the natives of Echizen have always been considered the best trained lacquer gatherers and were until recently employed in the different provinces to gather the lacquer. The lacquer produced in Goshiro in Yamato is finer even than the best lacquer from Aoshiro in Ugo, which has been kept for 3 years and with which they make their "Shinkei-nuri" (the name of a famous lacquer) The price of lacquer varies from year to year according to the quality and the quantity produced; but usually a cask containing about 500 lbs sells for 3/6 sterling

sterling
per 3 lbs or 16 to 28 cts per pound.

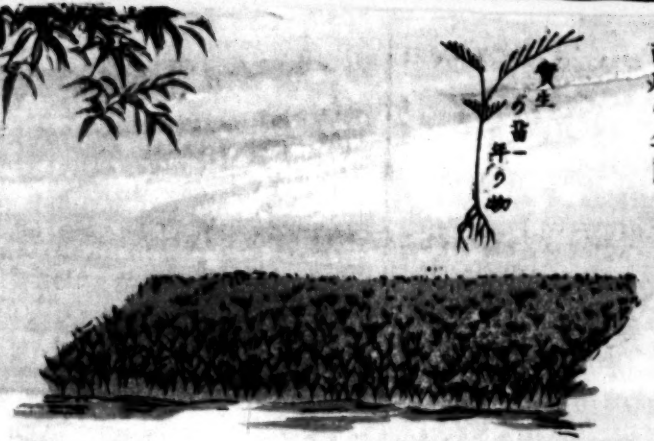
The texture of the lacquer wood is so fine that it may be used for many kinds of fine work as in the brackets of nets for sardine-catching. The smaller twigs of this tree are used for fuel or for fences.

Lacquer works are to be found in many of the provinces, especially in Aidzu, Tsugaru, Nosshiro, Wakasa, Kaga, Noto, Hida, Tajima, Kii, Ise, Suruga, Satsuma and Kyū-Kyū; but the finest are in the 3 Capitals - Tokio, Osaka and Kioto and Gokohama.

漆樹之圖

接穂ヲ以テ樹ヘ傷ツケル圖

苗畑の全圖



實生ノ苗一年ヲ經タル物

樹皮ヲ傷つけゐる圖

漆實 結圖

同

ヤマウルシ實

同實紫 蕊圖

花ハ淡ク似タリ

支機鋤吻

花ハ淡ク似タリ

枝ヲ傷つけ漆ヲ採取ル圖

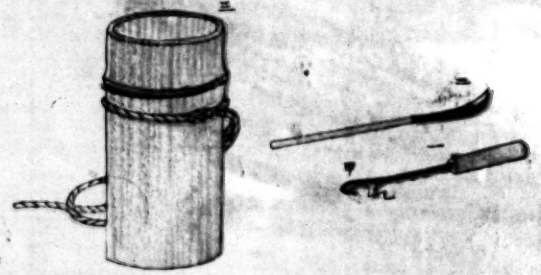
枝ヲ傷つけ漆ヲ採取ル圖

器械圖

第一圖 かき鎌（甲ハ皮ヲ傷ツケ乙ハ其ノ皮ヲ削リテ其中ノ汁ヲ採ル）

第二圖 漆ヲ採取ル器

第三圖 漆ヲ採取ル器



第一圖 竹ヲ以テ作ル

第五圖 細キ枝ヲ傷ケル也

第六圖 枝ヲ以テ漆ヲ採取ル器

第七圖 樹本大樹ノ外皮ヲ削ル圖

Enclosure No. 3.

THE LACQUER INDUSTRY OF JAPAN.

By J. J. Quin.

[*Read October 12, 1880.*]

Among the Art Industries of Japan, that of lacquering undoubtedly holds the first place, not only as furnishing occupation to thousands of people in various parts of the country, but also as displaying skill, patience, and in many cases the highest kind of artistic excellence. Its utility also is undoubted, for a large number of the utensils used in Japanese households owe their strength and durability to the lacquer which covers them.

The object of the present paper is to sketch in a cursory manner the rise and progress of this art, the localities where it has principally flourished, and to give a short description of the mode of making and painting lacquer ware.

The extent and ramifications of the lacquer industry, as well as its great antiquity, preclude the possibility of giving as detailed a description as the importance of the subject deserves.

I am indebted for a great portion of the following information to a work called *Kō-gei shi-riyō*, and to notes furnished by a lacquer manufacturer, which have been supplemented by personal observation of the ware in its various stages.

For convenience of reference it is proposed to divide the subject into the following headings:—

1.—History and origin of lacquer ware.

2.—The various changes that have taken place in the styles of gold lacquer.

3.—Names of the principal kinds of lacquer ware and the localities in which they have flourished.
4.—Various kinds of lacquer.
5.—Cultivation of the lacquer tree, and the mode of obtaining the lacquer varnish.
6.—Various woods used in making lacquer ware.
7.—Method of making lacquer ware: *(1)* Black lacquer; *(2)* Red lacquer; *(3) Hira-makiye; (4) Togi-dashi; (5) Taka-makiye.*
8.—Various kinds of gold dust, etc., used in the ornamentation of lacquer ware.
9.—Tools and other articles used in the manufacture of lacquer ware.
10.—Noted workers in lacquer, and the period in which they lived.
11.—A few noted pieces of old lacquer.

I.—HISTORY OF THE LACQUER TRADE.

It is not known whether the lacquer industry flourished previous to the time of the Emperor Jimmu, B. C. 660-581, *i.e.*, during the ages known as *Kamiyo* or times of the Gods, but it is mentioned in the old records, that during the reign of the Emperor Kō-an, who ascended the throne B. C. 392, and was the sixth Emperor from Jimmu Tennō, a person named Mitsune no Sukune was the first on whom the office of Chief of the Imperial Lacquer Department was conferred *(Urushi-be no Muraji)*, but though this title existed, unfortunately it is not known what articles were manufactured.

The next notice of lacquer is during the reign of the Emperor Kō-toku, who came to the throne A.D. 645. In his time the names of all the offices were changed and that of *Urushi-be no Muraji* was altered to that of *Urushi-be no Tsukasa*. In the various provinces where the lacquer industry was carried on, lacquered articles were received by the Government in lieu of taxes, and a notification was issued that in future the joints of the Imperial coffins should be covered with lacquer. In this reign also, rules were established respecting the *Kammuri* or ceremonial head-covering, and mention is made of the pendant being stiffened with lacquer. From this time lacquer began to be used on numerous articles.

In the reign of the Emperor Tenmu, A.D. 673-686, a workman whose name has not been preserved invented the manufacture of red lacquer, and he lacquered a set of shelves for the Emperor.

In the reign of the Emperor Mommu, A.D. 697-708, the officials of the Lacquer Department were divided into three grades, viz., *Urushi-be no kami*, *Jō*, and *Sakuwan*. Twenty workmen were engaged, and orders were issued that all articles manufactured by these men should be certified by their names, and a prohibition was issued by the Government against the manufacture of lacquer except by these workmen.

During the reign of the Emperor Gemmiō, A. D. 708-715, and the two following reigns, viz., those of the Empress Genshō, A.D. 715-723, and the Emperor Shōmu, A.D. 724-748, the lacquer industry made great progress, and five different coloured lacquers were used. The practice of inlaying with mother-of-pearl, and of lacquering gold, silver, copper and leather, was adopted; while about this time, also, gold powdered and mixed with lacquer was applied to the articles. This was the origin of "lacquer drawing" *(makiye)*.

In the reign of the Emperor Kwammu, A.D. 782-806, the taste for lacquer ware spread greatly throughout the country, and great attention was paid to this industry.

In the following reign of the Emperor Heizei, A.D. 806-809, the Lacquer Department was incorporated with the *Takumi-riyō*, answering to the Public Works Department of the present day.

In the reign of the Emperor Daigo, A.D. 898-931, the lacquer industry made rapid strides, and it is mentioned that lacquered articles were largely received in lieu of taxes. It would appear, therefore, that at this period the restriction as to twenty workmen only being permitted to work in lacquer must have been removed, though there is no special mention of the fact in the records of that time.

In the reign of the Emperor Sujaku, A.D. 931-936, Taira no Masakado and Fujiwara no Sumitomo rebelled and made war, the first in the eastern provinces (Shimōsa) and the latter in the western provinces (Shikoku), in consequence of which disturbances the lacquer industry in those districts and in the neighbouring provinces declined

greatly, and other articles had to be substituted for the lacquer work paid in yearly to the Government for taxes. Only the commonest articles for daily use continued to be manufactured.

At that time, however, the *Kuges* at Kiōto became very luxurious and fond of display, so that in that city alone the lacquer trade continued to prosper, and the manufacture of gold, silver and mother-of-pearl lacquer ware improved considerably. The attention paid to this branch of industry at Kiōto did not flag during the period extending from the reign of the Emperor Murakami, A.D. 947-968, to the reign of the Emperor Antoku, A.D. 1181-1185, and the fame of the Kiōto lacquer ware was such, that moneyed persons, and those who were fond of handsome furniture, induced numbers of the Kiōto workmen to come and settle in their provinces, and this tended greatly to the development of the lacquer trade.

The Bakufu (or Government of the Shōguns) was established during the reign of the Emperor Go-Toba, A.D. 1186-1198, at Kamakura, and thither numbers of artisans in lacquer flocked eagerly, but they did not attain to the excellence of workmanship arrived at by the Kiōto tradesmen.

Disturbances broke out at Kiōto during the reign of the Emperor Chiukiō, A.D. 1222, in consequence of which the lacquer industry received a check and declined for a time.

During the previous period, viz., between A.D. 947 and 1181, a number of priests as well as officials became very expert in working in lacquer, and they sold quantities of articles of their own manufacture.

In the reign of the Emperor Go-Kameyama, A.D. 1368-1392, Yamana Ujikiyo, and Ōuchi Yoshihiro, two powerful retainers of the Ashikaga family, built castles at Sakai, in the province of Idzumi, and the locality prospered greatly. Numerous workers in lacquer were attracted thither, and this to so great an extent that the ware made there acquired a high reputation.

During the reign of the Emperor Go-Hanazono, A.D. 1429-1464, the Shōgun Ashikaga Yoshimasa had a passion for lacquered articles. The best workers assembled round him in Kiōto, and as he gave large orders for all kinds of wâre the industry was greatly stimulated, while the style and finish improved vastly.

During the reign of the Emperor Go-Tsuchi Mikado, A.D. 1465-

1500, the country was disturbed. Yoshimasa, however, did not trouble himself about affairs of state, but devoted himself entirely to frivolous pleasures, the encouragement of the fine arts in general, and the manufacture of lacquer, so that this art continued to prosper in Kiōto. About this time the Chinese patterns and modes of working were copied and introduced, such as *Tsui-shu* (embossed red lacquer), *Tsui-koku* (embossed black lacquer), *i.e.*, incised lacquer on wood, and several other methods of applying gold lacquer.

During the first three quarters of the 16th century Japan was a constant scene of civil wars, which caused the lacquer trade to decline greatly, until the advent of Taikō Hideyoshi, who conquered the whole country and restored quiet, thus enabling the lacquer trade in Kiōto and the neighbourhood of Sakai to revive again. It continued to prosper during the reign of the Emperor Go-Yōzei, A.D. 1587-1611, when Iyeyasu came into power, and the lacquer industry flourished all over the country. From that date until now it has spread in a manner unknown in former times.

II.—CHANGES THAT HAVE TAKEN PLACE IN THE STYLE OF MANUFACTURING GOLD LACQUER.

What is understood as gold lacquer or *makiye* consists of pictures of flowers, trees, animals, landscapes, etc., painted on the lacquered article with gold dust. The date when this industry was commenced is unknown, but the oldest piece of gold lacquer now extant is a *kesa-bako*, or box for holding the scarf worn by Buddhist priests across the shoulder, formerly belonging to Shō-toku Tai-shi (b. 572, d. 621), and the next oldest is the sheath of a sword which belonged to the Emperor Shō-mu, A.D. 724-748: both of these pieces are preserved in the temple of Tō-dai-ji at Nara, in the province of Yamato. The term *makiye* was not used at that time, but the style is mentioned in old records as *mak-kin-rō*.

The mode adopted in lacquering the sheath was as follows: On the groundwork, which was black lacquer, figures of birds, animals, flowers and plants were designed in rough angular gold dust; a second coat of

black lacquer was then given, and afterwards ground down till the picture appeared. This old style is considered very interesting and curious, and differs materially from that in use later.

In the same temple are preserved also numerous lacquered articles, known by the name of *Hiyō-mon*. This ware was manufactured by cutting out the figures of flowers and plants on a thin gold plate, which was then lacquered on to the article. *Mak-kin-rō*, properly so called, is very rare, and it is evident from the specimens that no great excellence of workmanship had been attained up to that time.

After the Emperor Kwammu fixed the capital in Yamashiro (the modern Kiōto), A.D. 794, a taste for luxury and grandeur grew up, and it is recorded in old works that people wore swords, the sheaths of which were lacquered with gold—*Makiye Hei-jin*.

Up to the beginning of the 10th century the manufacture of lacquer had not attained any high degree of artistic excellence, but from the extant specimens dating from this period it can be seen that the gold powder was of a very much finer quality, and the painting was much more minute and elaborate than in the middle of the 8th century. The kind of powdered gold lacquer called *nashiji*, from its resemblance to the spotted skin of a pear, was introduced about the beginning of the 10th century. About the middle of the 10th century the nobles began to use articles of furniture covered with gold lacquer. The Emperor Kwan-zan (reigned 985-986, d. 1008) was extremely fond of good gold lacquer. Amongst the works he is said to have had made for himself were a landscape representing Hō-rai-zan, the Elysian Mountain, and figures of men with enormously long arms, and others with extraordinarily long legs, known in Chinese and Japanese fables. These pieces of workmanship were much admired at the time. In constructing these articles, the edges were for the first time covered with powdered silver or tin by a process called *oki-guchi*.

Great improvements were made in the art of lacquering during the reign of the Emperor Konoye (1142-56), and about this time figures were occasionally painted in gold lacquer; mother-of-pearl, also, and glass of many colours were inlaid on a groundwork of *nashiji*, much more thickly sprinkled with gold than is ever done at the present day, as much as from 15 to 18 *momme* of gold dust (855 to 1026 grains) being

used per square foot. A noble named Doi Toshitomo, residing in Tōkiō, has at present in his possession a very fine box *(tebako)* attributed to this period. The groundwork of this box is thick *nashiji*, inlaid with various coloured shells: it is estimated that the gold dust used per square foot is considerably over 10 *momme* (570 grains).

During the reign of the Emperor Takakura, A.D. 1169-1180, nearly every article was lacquered with gold, and the nobles were in the habit of having their bullock-carriages lacquered with gold open-work—*Hiyō-mon*. The art of lacquering in gold is considered to have arrived at its highest degree of perfection during the reign of the Emperor Go-Shirakawa, about the year A.D. 1175.

About the middle of the 15th century flourished the Shō-gun Ashikaga Yoshimasa, who, abandoning the reins of government to others, devoted himself to pleasure and the encouragement of the arts, and set the fashion of collecting antique curiosities. A marked change took place in the style of the gold lacquer. Previously the decoration had consisted for the most part of floral designs, but now landscapes, figures and architectural subjects came greatly into fashion. The term *Kane-maki* (metal appliqué) appears to have been sometimes employed to denote *makiye*.

Yoshimasa, who was a great patron of lacquer-ware, ordered a letter-box to be made for him covered with gold-figured lacquer on a rich ground of *nashiji*, which was considered a *chef d'œuvre*. To this period the first introduction of *Taka-makiye*, or raised gold lacquer, is also attributed.

As has already been observed, the civil wars which raged during the latter half of the 16th century greatly interfered with the progress of the arts, and the lacquer trade declined greatly. There was only one good workman at that time, one Igarashi Dō-ho: all the ware made by other workmen was vastly inferior to what had been produced in former days.

A celebrated work in lacquer, belonging to the second quarter of the 17th century, is the tomb of the Shō-gun Hidetada, still existing in the Mausoleum created to his memory in what is now known as the 'Shiba Public Garden.' Hon-ami Kō-yetsu was an admirable contemporary worker in lacquer.

Towards the end of the 17th century the lacquer trade prospered greatly, and many judges assign the palm of excellence to the lacquered ware then manufactured. The ware of this period is spoken of by the name *Jō-ken-In-jidai*, signifying "of the time of Jō-ken-In," that being the posthumous name of the Shō-gun Tokugawa Tsunayoshi. A reading stand (*Kendai*) manufactured during this period was sent to the Vienna Exhibition, but the vessel in which it was being brought back was wrecked off the coast of Idzu, and the stand was not recovered for eighteen months afterwards, when it was ascertained not to have received the slightest damage from its long immersion—a fact which proves the excellence and durability of the ware made at that time.

About the beginning of the 18th century a style called *Giyō-bu Nashiji* was introduced, differing from the ordinary *nashiji*, in that small squares of gold leaf were applied instead of powdered gold. The name of Giyō-bu Nashiji was most probably given to this style of ware from a workman of this period residing at Yedo called Giyō-bu Tarō, by whom, as far as is known, it was first made. It met with a good deal of favour, but as the workmen strove principally after careful painting and extreme minuteness of detail, without paying so much attention to the artistic elegance of the design, it cannot properly be compared with what was manufactured during the preceding epoch.

III.—VARIOUS NAMES BY WHICH LACQUER WARE IS KNOWN.

Some kinds of lacquer take their names from a specialty in the mode of manufacture, others from the locality, others from the maker; and some kinds have always steadily improved, while other kinds have declined and gone out of fashion. Below are recorded some of the best known and most renowned kinds:—

"Urushi-ye"—Picture Lacquer.—This kind consists, as its name implies, of all kinds of designs painted on the lacquered articles with different coloured lacquers. The date when this was first done is not known, but the earliest record of it is during the reign of the Emperor Daigo, who in the year A.D. 906 ordered sixteen flower-dishes of Picture lacquer. The next notice of this style of lacquer is met with

in the records of the reign of the Emperor Takakura, A.D. 1169-1180, when it is mentioned that a workman from Nambu in Ō-shū painted flowers, birds, grasses and trees, in red, green and yellow lacquer, on a black ground, and the production of this species of ware spread, from that period, over the whole country. In the year 1688 a man named Kan-shichi, in Yedo, was famed for painting representations of waves, and he gave his name to that kind of painting, calling it *Sei-gai-Kan-shichi*—Green sea Kan-shichi. In 1868 a certain Shibata Ze-shin discovered a method of painting in coloured lacquers on paper and silk, which must also be classed as *urushi-ye*.

"Jōga-hana Urushi-ye."—This lacquer derives its name from the locality where it was made in the province of Etchiu, in the district of Tonami, and like the former kind, consists of paintings of various designs on black lacquer in colours. This special kind flourished greatly a hundred years ago, and the trade was kept for many generations from about A.D. 1470 in the family of one Ji-go-za-ye-mon.

"Mitsuta Ye"—Pictures painted with *Mitsuta*, a kind of lacquer obtained from a tree of that name not now known. The date when this species of painting was introduced is unknown, but in A.D. 756 the Empress Kō-ken presented several flower-trays of it to the temple of Tō-dai-ji at Nara. The method of making these trays was as follows: Cotton cloth was pasted over the wood and then lacquered, on the upper side of the tray white *Mitsuta* was applied, and over this various designs of flowers, trees, men, birds, etc., were painted in yellow lacquer. On the under part of the tray a quantity of designs were painted on the black lacquer in red *Mitsuta*. These trays are preserved in the temple at the present day. The fashion for this species of ware increased from the date mentioned above, till in the year A.D. 795, when the Emperor Kwammu fixed the Imperial residence at Kiōto, and the existing fashions underwent a change and the taste for gold lacquer, *nashiji* and lacquering with mother-of-pearl came in. From that date the *Mitsuta-ye* gradually declined, and finally died out.

"Chō-moku"—Carved Wood.—The lacquer ware known as *Chō-moku* consisted in lacquering over with various colours carved wooden articles. The date when this method was introduced is not known, but it is mentioned as being much used in the year A.D. 906. At that time

the term *Chō-moku* was confined to small Japanese carved lacquered writing tables, but later the name came to be applied to any article treated in the same manner, *i.e.*, carved and then lacquered over.

"KAMAKURA BORI."—This kind, first made at Kamakura in 1198, resembles the former in being carved and then lacquered. The carvings were principally of the Botan (Pæonia Moutan), Plum flowers, Water caltrop, etc., painted in red over black lacquer, which was always the foundation colour.

The ware known as *Echizen bori* does not differ from the above, but the kind called *Odawara bori* is very inferior to the others. The taste for all these kinds changed in the year 1573, since which date none has been manufactured.

"NAMBU NURI."—This ware derives its name from the district where it was manufactured, namely, Nambu, in the province of Ō-shū. It is principally red lacquer, and specimens over six and seven hundred years old still exist. Among the wooden bowls or cups there are some very fine specimens, black outside and red within. On the outside, flowers, cranes, etc., are painted in red, green and yellow lacquer, while the ground work is dotted over with small squares of gold leaf. The colour of the red lacquer is considered very fine. This kind of lacquer was, and still is, made in various localities in Ō-shū, but it is all called Nambu lacquer. At the village of Jō-hō-ji, in Nambu, the trade continues to prosper at the present day.

"AIDZU NURI."—The lacquer made at and near the town of Wakamatsu, in the province of Iwashiro, is known as Aidzu lacquer. This industry was first introduced in the year 1591, when Gamō Ujisato became the *dai-miyō* of that province, and employed workmen to imitate the Nambu bowls. This style was continued till about the year 1706, when the workmen discontinued imitating Nambu ware and introduced a style of their own, by painting their designs in gold dust, since which date they attained great perfection. Since the opening of Japan to foreign trade in 1859, great attention has been paid to the manufacture, and large quantities of articles useful for export still continue to be produced.

"NEGORO NURI."—This ware derives its name from the temple of Negoro, in the district of Naka, province of Kii, where it was first made.

In the year 1288, a number of monks migrated from Kō-ya-san to Negoro, where they founded four monasteries and numerous temples, from which period the industry prospered greatly, and the ware was manufactured in large quantities. The principal articles produced were small Japanese eating tables *(zen)*, bowls, cups, small jars and trays, for the most part in red lacquer, though black lacquer was occasionally used. In the year 1585, Hideyoshi attacked and dispersed the priests of Negoro, who had created disturbances, and they were mostly killed. The few survivors fled to a place in the province of Satsuma called Nejime, where vermilion was produced, and settling there, introduced the trade of making red lacquered bowls, of coarser quality, however, than the old Negoro ware. These bowls went by the name of Satsuma *wan*. The articles made did not find much favour, and the industry gradually died out. Subsequently, some Kiōto workmen imitated the Negoro ware, giving it the name of *Kiō-Negoro*. The manufacture has been continued by their descendants, and it is made and used at the present time.

At Yoshino, in the province of Yamato, a ware was manufactured in which, though certain deviations were made, the Negoro ware was the basis of the style adopted. It was called Yoshino-Negoro lacquer. There are specimens of this ware extant over 500 years old, and it is still manufactured in Yoshino to the present day.

"KUROYE NURI."—This ware is made at the village of Kuroye, in the district of Nagusa, province of Kii. Between 1624 and 1644 a lacquer workman first applied transparent lacquer on plain wood stained with persimmon juice and made many articles of furniture. This style came rapidly into favour, and was imitated in various localities. In 1840 the Dai-miyō of Ki-shū had a census taken of the lacquer workers in the village of Kuroye, when it was ascertained that the number amounted to more than 4,500 persons, besides over 2,000 journeymen who had come to settle from other parts of the country to earn a living. Since the opening of the country to foreign trade, gold lacquer has also been manufactured at Kuroye.

"SHUNKEI NURI."—This lacquer derives its name from the inventor, a workman of Sakai, in the province of Idzumi, who lived during the reign of the Emperor Go-Kameyama, A.D. 1368-1392. This ware, like the last, leaves the natural wood to be seen, and the mode of manufacture

was as follows:—The wood having been carefully smoothed and prepared, a coating of alum glaze was well rubbed in to fill up the pores of the wood; it was then coloured either with gamboge, or *Benigara* (red oxide of iron), mixed with persimmon juice; this was rubbed till it became polished. A coating of pure transparent lacquer, combined with a small proportion of *Ye* oil (from Perilla ocymoides), was then applied with a hard brush, and when dry it presented a beautifully polished surface. This invention was plentifully copied by the workmen of Sakai, and met with great favour and a ready sale. About the period extending from A.D. 1624-1644, a *chajin* (a master in the art of preparing powdered tea) named Kanamori Sō-wa collected a number of workers in this kind of lacquer at Takayama, in the province of Hida, and manufactured quantities of articles for use in tea-drinking. The workmen from Sakai lacquered trays of a colour between yellow and red, which were held in great repute, owing to the fine grain of the wood employed, and the ware obtained the name of Hida Shunkei. It rose rapidly in favour, and the quantity made increased yearly. The Hida workmen, moreover, copied a species of lacquer of a light yellow colour, over fine grained wood, manufactured at Noshiro, in the province of Dewa, and this ware became known as Hida Noshiro. Later, as time wore on, this ware, finding wide favour, was imitated in all parts of the country, but none of it could compare in excellence with that made in Hida and at Noshiro. The places where the Shunkei ware was imitated are the following:—

Shimo Ichi Mura, province of Yamato.
Takeda Machi, province of Tajima.
Yamada Machi, province of Ise.
Shimo Ichi Moto Machi, Awa Mura and Kami Ichi-ge, province of Hitachi.
Kami Shibotare Machi, province of Shimotsuke.
Odaira and Yuda Machi, province of Iwashiro.
Hashiba Machi, province of Mutsu, and at Tōkiō.

This ware is still made in all the above named places.

"Noshiro nuri."—This ware derives its name from the village of Noshiro, in the district of Yamato, province of Dewa, where it was first made. The date when this industry was introduced is unknown, but some say that during the reign of the Emperor Rei-gen, A.D. 1663-

1686, a workman called Yamauchi San-ku-rō came from Hida and introduced the manufacture. This ware is of a light yellow transparent lacquer, showing the grain of the wood, and the name of Noshiro Shunkei was given to it. This ware and that made in Hida, already mentioned, are the best in Japan. When this ware was first made, the articles were taken out to sea and lacquered on board junks, so as to prevent the possibility of any dust settling on them while drying. The things principally made were sets of shelves, large trays (*Hiro-buta*), *Jū-bako*, or nests of boxes fitting one on the other for holding food, trays, etc., which were made with great care, and met with much favour in the eyes of the Japanese. At the present time one Ishioka Shō-jū-rō, living at Noshiro, has the reputation of being the most skilful workman of the day.

"Wakasa nuri."—This ware takes its name from the province of Wakasa, and is made in the town of Obama. The date when this ware was first made is not known with any certainty. It is imitated from a Chinese kind called *Zen-sei*. It was made with a mixture of red, green, blue, yellow and black lacquers, and presented a cloudy appearance: gold and silver leaf also were used in many cases, forming a floral design, and the ware was considered very handsome. The method adopted in the latter case was as follows:—The article received a coat of lacquer of the colours required, upon which the leaf, flower, or spray of fir tree, etc., desired to be reproduced, was pressed while the lacquer was still fresh. It was then removed, and the lacquered article which had received the impression was set to dry. Afterwards gold or silver leaf was applied to the whole of the surface so prepared, and another coat of the coloured lacquer given. When dry, the whole was then ground down till the pattern came out. Over this a final coat of transparent lacquer was applied. Good ware is very hard. It was in great request from about 1624, and the demand has been steadily maintained. The articles principally made were cabinets, book-shelves, tables and *tebako*, boxes for holding papers, etc., and continual improvements and excellence of workmanship were aimed at. Of late years this ware has been imitated in the neighbourhood of Nikkō, but it cannot be compared to the Wakasa lacquer.

"Tsugaru nuri."—This ware is manufactured at the town of

Hirosaki and the village of Tsukurimichi, in the district of Tsugaru, province of Mutsu. The origin of this ware is unknown; it resembles greatly the Wakasa lacquer in presenting a cloudy and spotted appearance, but in this ware gold and silver are not used. Of late years a kind called *nishiki* lacquer has been made, which consists in painting on the lacquer, birds, grasses, plants, etc., in colours. Numerous articles, long in the possession of, and made expressly for, the Lords of Tsugaru, were beautifully made, and though it has been imitated in various other localities, the articles produced cannot be compared with this ware for excellence of workmanship, hardness or durability. The principal articles made are tables, book-shelves, *tebako*, tabacco boxes, writing boxes, etc.

"Nikkō nuri."—This ware, somewhat resembling Wakasa lacquer, is made in the neighbourhood of Nikkō. The date of its first being manufactured is unknown, but ware made at the village of Hachi-ishi, in the neighbourhood, was ordered by Iyeyasu about the year 1600. This ware is rough in its finish, but is exceedingly hard, and still maintains a certain popularity.

"Yoshino nuri."—This lacquer is made throughout the district of Yoshino, province of Yamato, but as in the former case, the precise date of commencing the industry is unknown. It consisted principally in the manufacture of cups and bowls in black lacquer, with devices painted in red lacquer. This ware is also made at Tawara, in the district of Toichi, and at Gojō, in the district of Uchi, in the same province.

"Hino nuri."—This ware is made at Hino, in the province of Ōmi. Date of commencing the manufacture not known. Originally cups and bowls were the chief articles made, but between 1688 and 1704 all kinds of table requisites were manufactured, and found a ready sale in the neighbouring provinces. About ten years later the manufacture prospered very greatly, and large quantities of the ware were made, but it cannot be compared to that made at Ōzaka or Kiōto, either in quality or finish.

"Wajima nuri."—This ware is made at Wajima, in the province of Noto, the original date of its invention being unknown. It consists only of red and black lacquer for all kinds of table requisites, but though plain, it is substantially made and the lacquer is hard, so that it is much

liked by the Japanese. Since the opening of the country to foreign trade, the artisans have not confined themselves to making table furniture only, but have made many other kinds of articles for general use.

"Zō-koku nuri."—This lacquer derives its name from a man called Tamakaji Zō-koku, who resided at Takamatsu, in the province of Sanuki, about 1624. This man, having learnt the Chinese method of lacquering, invented several improvements. The method used in making this ware was to lacquer over bamboo baskets (a wooden foundation was also sometimes used) either with red or black lacquer, and upon this surface floral designs were most minutely carved in the lacquer. Over this a coating of either the same or different coloured lacquer was applied, and then ground down and polished in such a manner that the carved pattern could be seen through. This is looked upon as very excellent workmanship. This man's younger brother and one of his sons attained great excellence in this ware, which is still made by the descendants of the originator, and the manufacture of which is confined to the one family.

"Yamanaka nuri" derives its name from the place where it is manufactured, namely, Yamanaka, in the district of Inuma, province of Kaga. The date when this lacquer was first made there is unknown. The ware consisted of articles of every-day use, and in 1858, when foreign trade commenced, various kinds of furniture were manufactured for export, and the trade still flourishes.

"Zō-gan nuri."—This kind of lacquer is manufactured by inlaying silver or gold wire in the shape of birds, animals and flowers. This is afterwards covered over with black lacquer, and then ground down until the inlaid picture comes out. The earliest date of this style is unknown, but during the period extending from 1804-1818, a workman of Nagoya, in the province of Owari, manufactured it to great perfection, and lately workmen at Tōkiō have produced it in imitation of the old style.

"Ha-ritsu Saiku."—About the end of the 17th century or beginning of the 18th a man named Ha-ritsu, a native of Ise, invented a special kind, by inlaying various designs made of porcelain, lead, tin, horn or ivory, in the lacquer, and this style was much appreciated on account of its quaintness. Later, Ha-ritsu moved to Tōkiō, leaving

behind him a pupil called Mochizuki Han-zan, known also as Ha-ritsu the second, who manufactured even finer ware than his teacher. At the present day imitations are to be found everywhere.

"SURUGA NURI" was originally made at Fuchiu, now called Shidzuoka, in Suruga. The date of its origin is unknown. The ware consists of articles made of several different kinds of wood joined together and lacquered over, showing the grain of the wood: as the work, however, was roughly finished, it was never much appreciated. In the first year after the Restoration in 1868, the new head of the Tokugawa family moved there with his retainers, and this gave a great impetus to the lacquer trade. The workmen began to manufacture several kinds of lacquer ware, such as inlaying with mother-of-pearl and painting in various colours. The chief products at the present day are book-shelves, cabinets, ink boxes, and *jū-bako* (nests of boxes), of which large quantities are made.

"KUWANA BON."—This ware is manufactured at Kuwana, in Ise, and according to tradition was first made there about the end of the 17th or beginning of the 18th century. This kind consists exclusively of round black lacquered trays, with a silver turnip lacquered on the upper surface. Later, gold was occasionally used, but these specimens are rare, and most of the devices are in silver, as at first. This ware was formerly so roughly finished that only the lower orders used it, but the workmanship has gradually improved so much that it has come to be generally used by the upper classes.

"TSUISHU" AND "TSUIKOKU" LACQUER.—It is said that in the reign of Go-Tsuchi Mikado (A.D. 1465-1501) a Kiōto workman named Mon-niu first manufactured this kind of ware. It consists of either red or black lacquer laid very thickly on the article, and afterwards, landscapes, flowers, birds, or figures were deeply carved in the lacquer in imitation of Chinese ware. Another ordinary kind consisted of black, red or green lacquer, on which a floral design was lightly carved, and this was called *Kō-kwa Riyoku-yō*, "red flower, green leaf." There is also a kind of *Tsuishu* and *Tsuikoku* called *Hashika bori*, the only difference being that the engraving is shallower than on the real ware; another kind is called *Guri*. The mode of manufacture was to lay on lacquer of various colours, mixed together, very

thickly, and on this surface circular and spiral patterns were carved. Between 1596-1615 a workman named Hei-jū-rō excelled so greatly in the manufacture of this style, *i.e.*, *Tsui-shu*, that he took the name of Tsui-shu Hei-jū-rō. He was employed by Iye-yasu, and his descendants followed his trade. Between the years 1716 and 1786 this ware was greatly in fashion. At Kiōto there was a workman named Tsui-shu-ya Ji-rō-ye-mon who is said to have produced much finer ware than his ancestor Mon-niu; also Tsui-shu Yō-sei of Dai-ku chō in Yedo, and Tsui-shu Tō-shichi and Tsui-shu Kan-shichi of Nagasaki had the reputation at that time of being very skilful workmen. At the present day the Kiōto, Nagasaki and Tōkiō workmen manufacture an imitation of this ware.

"Chinkin bori."—In this kind of ware the pattern was very lightly engraved on the lacquer, and powdered gold was afterwards worked into the lines. The date when this kind was commenced is unknown, but it is said to have been imitated from the Chinese. During the first half of the 18th century a Nagasaki workman, whose name has not been preserved, excelled in this kind of work, and towards its end a Tōkiō workman named Ninomiya Tō-tei manufactured this ware. Tō-tei carved the designs on the lacquer with rat's teeth instead of knives, and the articles made by him are still preserved and greatly prized. The design of one piece of lacquer made by him, representing a peony in full bloom growing beside a rock on which a peacock is standing, is greatly admired as a beautiful piece of workmanship. In the year 1868 the manufacture of this ware was started at Wajima, and it has of late been made in several other localities.

Besides the styles above mentioned there are, both in plain and gold lacquer, fully two hundred kinds slightly differing in appearance, and bearing distinctive names, derived either from their appearance, or the names of the persons who first introduced them, but it would be manifestly impossible to attempt any description of them within the limits of the present paper.

IV.—THE VARIOUS KINDS OF LACQUER.

The name of *Ki-urushi*, or crude lacquer, is given to the sap taken from growing trees. It is used for various purposes, according to the

age of the tree from which it is taken. The sap obtained from old trees is used in the manufacture of *Suki Urushi* or transparent lacquer. The manner in which the lacquer is treated to make it transparent is kept secret by the manufacturers. It is used for the final coat over *Nashiji*, or for any work in which transparency is required, such as trays, etc., showing the grain of the wood. It is also used in making red lacquer, and when colours are mixed with the crude lacquer, and in making Wakasa lacquer, already described.

The lacquer obtained from young trees is used for the first coat, and in making *Rō*, *Nuritate*, *Jō-hana*, *Chū-hana*, *Ge-hana*, *Naka-nuri*, and *Seshime*. A description of the composition of each kind is given below.

Rō—black lacquer—is made by adding to the pure lacquer the tooth dye used by women—*Haguro* (a liquor formed by steeping iron filings in vinegar)—and exposing it to the sun for about three days, stirring the mixture frequently; it then becomes a deep black. Without subsequent polishing, *Rō* does not present a shining surface.

Nuritate.—This is made by the addition to the pure lacquer of water that has been used with a whetstone *(To-midzu)* and containing the finest particles in suspension, together with a small quantity of powdered turpentine. This kind is used for under coatings.

Jō-hana is made by mixing with the lacquer a certain proportion of whetstone water and turpentine, with a little oil from the *Ye* plant (Perilla ocymoides). The whole is then exposed to the sun and stirred till it becomes black. *Chū-hana* and *Ge-hana* differ from the above only in having more oil added to the mixture, which produces a lustre without extra polishing, but detracts in proportion from the durability of the ware.

Naka-nuri is pure lacquer from which every particle of water is carefully extracted. It is then exposed to the light and stirred till it becomes black, or nearly so.

Seshime is a mixture of pure lacquer with finely powdered charred wood (not charcoal) and *funori*, a glaze made from seaweed.

Ki-seshime.—This kind is obtained from the lower branches of the lacquer tree, which are cut away, as well as from the branches of old trees that have been cut down. It is also sometimes called *Yeda*

urushi or branch lacquer. The lacquer is drawn during the rainy season in the month of July, and from then till the month of September. When the sap ceases to flow freely from the trunks of the young trees, branches are cut off to relieve the tree. These are cut up into lengths and sunk in a stream. As the sap exudes, and rises from the sunken branches, it is gathered, and is called *Ki-seshime* lacquer. In former times the sap was obtained from the branches by pressing in a machine called *Sehi*, which gave rise to the name of *Se-shime*. This kind of lacquer is scarce, not more than one tub of it being made for every hundred tubs of the ordinary kind.

In making *Makiye*, or gold lacquer, *Se-shime* lacquer obtained from young trees is used in the proportion of seven parts of pure *Se-shime* to three parts of foreign matter.

The following are some of the modes of using *Se-shime* lacquer:—

1. For priming coats, when the lacquer is exposed to the sun or placed before a fire to get rid of the water, and then mixed with *Benigara* (red oxide of iron), again exposed to the sun, and finally filtered through thin paper.

2. When the priming coat is required to be softened, some camphor is mixed with the above, and the whole filtered through thin paper.

3. The mode of preparing lacquer in the best manner for a first coat consists in mixing *Rō* (black lacquer) with the *Se-shime* lacquer. When this has become hard the outline of the device can then be easily traced. *Benigara* is mixed to enable the workman to see whether the lacquer is laid on thickly or not, and moreover it helps to dry the lacquer more quickly. When gold lacquer is to be painted on red lacquer ware, the lacquer for the first draft of the picture is mixed with powdered charcoal, and sometimes a yellow foundation is used, according to the colour of the ware.

4. *Taka-maki.*—This mixture, which is used for making raised lacquer, consists of *Rō* and *Nuritate* in equal parts. Half of the mixture is boiled, and camphor and powdered charcoal are stirred in according to the consistency required; then the other half is added, and the whole, after being well stirred together, is filtered through thin paper. This mode of dealing with the lacquer is only adopted during the summer, when lacquer is required to be dried quickly. The amount to be boiled

differs according to the nature of the climate: for instance, in winter, only one-fourth is boiled. Taka-maki is always applied after a coating of Sabiko (described further on) has been given to the article.

5. *Se-shime nobe* is made by mixing camphor and *Se-shime* lacquer: after being well worked together the mixture is filtered through paper.

6. *Nobe* lacquer is made by mixing camphor with Yoshino lacquer and filtering the preparation through paper. There is also a mixture known as *Seshime-Yoshino* lacquer, which is, as the name implies, composed of Seshime and Yoshino lacquer mixed with camphor. If the lacquer is required to be hard, only a small quantity of camphor is mixed, but when desired soft, a larger quantity of camphor is added. It enables the workman to spread the lacquer with greater facility, especially for very fine strokes, but for the highest class of work hardly any is used.

7. *Sabi-ko.*—This mixture, used in making raised lacquer, is composed of finely powdered *to-no-ko*—burnt clay from the Inari Hill in Kiōto—mixed into a paste with water, to which an equal portion of Seshime lacquer is added, taking care to thoroughly mix the preparation.

V.—CULTIVATION OF THE LACQUER TREE, "RHUS VERNICIFERA."

In ancient times no lacquer trees were specially planted: the lacquer was obtained from such as were found growing wild in the woods; but as the amount of lacquer ware used increased largely, enough lacquer could not be procured from the wild trees. Plantations were therefore commenced, and between the years A.D. 701-704, during the reign of the Emperor Mommu, a notification was issued to the effect that each farmer employing six hands and over should, during the ensuing five years, plant eighty lacquer trees on his grounds; those employing four hands, seventy trees; and those employing three hands, forty trees. Further, that the annual taxes should be paid in lacquer, making it evident that the lacquer trade was a very flourishing one at that time. After that plantations were made in every province and village; thus more or less was produced all over the country.

Lacquer trees can grow anywhere—on mountains, in woods, or plains—and the mode of cultivation is not difficult. They require no

manure, but weeds and grass ought to be cleared away round the trees during four or five years after planting them. By the time they are ten years old weeds growing round them cause no injury.

A small quantity of sap is taken from the trees when they are about three years old, by making an incision in the bark. This also makes the trees grow better and faster. The best time for collecting the lacquer is during the rainy season in summer, but it may be continued to be drawn from the trees till September, and the sap is given three different names according to the season, viz., *Shin-mi*, *Niban*, and *Natsuko*.

The method of drawing the sap is as follows:—Five horizontal incisions are made in the bark about an inch apart, at the bottom of the tree on one side, with a small saw, and as the sap exudes from the gashes, it is removed from the first, or bottom, line with an iron hook, then from the second line, and so on until sap ceases to run from the wounds. What has been obtained is kept in a bamboo tube. The next set of lines are cut in the same way, on the other side of the tree, a little higher up, and so on every year. The trees are said to supply the best quality of lacquer when they are between fourteen and fifteen years old; when they are thirty or forty years old, if the trees do not continue to give a good yield, they are cut down close to the roots, so that young shoots may sprout again. When the tree is cut down, the lacquer is taken from the branches (as previously described), and is called Ki-Seshime lacquer. The district where the best quality of lacquer is produced in the country is Aidzu, in Iwashiro, particularly that known as *Suki* or transparent lacquer. Most of the trees are old, and the soil in that province seems to suit them better than any other. The Aidzu lacquer, however, is not suitable for the manufacture of black lacquer, and there are also some other kinds for which it cannot be used to advantage. The next best localities for lacquer are the provinces of Kōdzuke and Shimotsuke.

The best *Seshime* lacquer is produced in the district of Tsukui, in the province of Sagami. When this lacquer is used for the first or priming coat, it is more durable than any other kind, but only a small quantity is produced.

The sap obtained from the trees grown in the district of Chichibu, in the province of Musashi, is very good for black lacquer. A great

quantity is produced at Yoshino, in the province of Yamato, as well as in the provinces of Kii and Owari, but the Tōkiō workmen do not use the lacquer from these three provinces for making the best ware, preferring that obtained from the Kwantō—*i.e.*, those provinces lying east of Hakone.

The best quality of lacquer is of a light yellowish hue, and ought not to be thick, but sufficiently gelatinous to make strings when lifted up. All lacquer turns black on exposure to the air.

VI.—VARIOUS WOODS USED.

The choice of the wood to be used naturally depends upon the description of article to be lacquered. For making book-shelves, cabinets and boxes of all kinds, the best woods for first class work are:—

Hinoki, Chamæcyparis obtusa, and

Kiri, Paulownia imperialis, that having the finest grain being selected.

Next in request are:—

Hō-no-ki, Magnolia hypoleuca, a fine light wood, of which all sword sheaths are made.

Tsuga, Abies tsuga (a kind of pine).

Himekomatsu, a species of pine. This wood is the best for carved figures of men, animals, etc. For goods of an inferior kind

Sugi, Cryptomeria japonica, is generally employed. For such articles as are turned in a lathe, as bowls, cups, small trays, etc., the best wood is

Keyaki, Planera japonica. That obtained from the province of Hiūga is accounted superior to the wood grown elsewhere.

Sakura, Prunus pseudo-cerasus, cherry, is also extensively used. The best comes from Chichibu, in the province of Musashi, and from Nikkō, province of Shimotsuke.

Inferior to the above, though largely used for the same purposes, are:

Katsura, Cercidiphyllum japonicum.

Ichō, Gingko biloba.

Hego, Cyathea arborea, growing in large quantities in the neighbourhood of Hakone. It is principally used for toys.

Besides these, many other woods are used; those that are hard and dark, with a handsome grain, often have merely ornamental devices in lacquer on the natural wood.

VII.—METHOD OF APPLYING LACQUER, FROM THE FIRST COAT TO THE FINISH.

1.—BLACK.

When the cabinet or other article on which the lacquer is to be applied has been made and the surface carefully smoothed, the wood is slightly cut away along each joining, so as to form an angular hollow: this is filled with *Ko-kuso*,—hemp cut up small, mixed with glue and paste—and the whole surface is painted over with Seshime lacquer. This process is called *Ki-ji-gatame*, "hardening the wooden basis." A coating of "wheat lacquer"—lacquer mixed with equal parts of wheaten flour—is then given to the article, and hempen cloth is stretched over it, great care being taken to lay it on smoothly and to leave no wrinkles or perceptible joinings. This hempen surface is then painted with a thin coat of Sabiko; a coating is then given of Ji-no-ko, a paste made of unglazed earthenware ground up, and water. Next a coating of Seshime lacquer, then another coating of Ji-no-ko, then another of Seshime lacquer. The article in then painted with Kiri-ko, a mixture of Seshime lacquer and Ji-no-ko. After that it is ground smooth with white whetstone and then given another coating of Sabiko: again ground with a whetstone, then rubbed over with Japanese ink applied with cotton wool. A coat of *Naka-nuri* then follows, and the whole surface is rubbed over with charcoal made of Hō-no-ki, giving it a dull but smooth surface. A coating of Rō is then applied, after which it is rubbed smooth with a piece of charcoal made of Hiyakujikkō, Lagerstrœmia Indica; another coating of Rō is then rubbed on with the finger, and the article afterwards receives a preliminary polishing with finely powdered calcined deer's horn and whetstone applied with a cotton cloth. A final coat of Seshime lacquer is given, it is then polished with the same kind of powder on the cotton cloth, the finishing polish being given with the finger and the powder, and the very slightest quantity of oil, till it gradually assumes a most brillant polish.

2.—RED.

The method of making red lacquer is the same as for black lacquer in the earlier stages, but subsequent to rubbing the article with Hō-no-ki charcoal, a coating of red lacquer (Seshime lacquer and vermilion mixed together) is applied, and the next process is to polish off with cotton cloth and the powder; the intervening processes from the rubbing with Hiyakujikkō charcoal being omitted.

The methods above described are for the manufacture of the best ware; for second-rate ware, "Mino paper"—a strong paper without any size,—is substituted for the linen cloth pasted over the wood; and again for the very common ware, neither cloth nor paper is used, and the wood is only smeared over with the persimmon fruit, then given a coat of Ji-no-ko, and after that ground smooth only once, before the final coat of lacquer of the colour needed finishes the work.

The above is a very simple mode. The workmen have several plans for saving themselves trouble and scamping the work, but as these are not recognized, they are not detailed in this paper.

It must be mentioned that after each application of lacquer, or a mixture thereof, to any article, it has to be put aside till it dries and hardens. To effect this, the article is placed in a press, the inside boards of which are quite rough and unplaned. The inside of this press is thoroughly wetted, and afterwards carefully closed to exclude the outer air. The article is kept in this press for about 24 hours, but this period is slightly lengthened or shortened according to the season of the year, the lacquer drying more quickly in summer than in winter. Lacquer will not dry or harden properly in the open air; it absolutely requires a damp closed atmosphere to do so, otherwise it would run and always remain sticky.

3.—HIRA-MAKIYE—FLAT GOLD LACQUER.

When it is desired to apply flat gold lacquer to an article that has received the plain coats, as related, the process is as follows:—

A thin species of paper, prepared with sizing made of glue and alum, is used. On this paper the design required to be transmitted to the lacquered article is drawn. On the reverse of this paper, the outline is lightly traced in lacquer—previously roasted over live charcoal to

prevent its drying—with a very fine brush made of rat's hair. This paper is then laid on the article to be lacquered and is rubbed with a spatula made of Hi-no-ki or whalebone, where the lacquer has been applied, and on removing the paper the design is observed lightly traced in lacquer.

To make it perfectly plain, this is rubbed over very lightly with a piece of cotton wool, charged with finely powdered whetstone, or tin; this brings the pattern out white. From one tracing, upwards of twenty impressions can be taken off, and when that is no longer possible, from the lacquer having become used up, it only requires a fresh tracing over the same paper to reproduce the design *ad infinitum*. This tracing does not dry, owing to the lacquer used for the purpose having been roasted, as previously mentioned, and can be wiped off at any time.

The pattern thus traced out is then filled in with groundwork lacquer, with a brush made of hare's hair, great care being taken not to touch or paint out the original tracing line. This is then powdered over with fine gold dust, silver dust, or tin dust, according to the quality of the ware. This dust is applied with a piece of cotton wool, charged with the material to be used, and the article is then gently dusted with a very soft brush made from the long winter coat of a white horse, to remove any loose metal dust that might adhere to the article, and to slightly smoothen the surface. If the article under manufacture is large, only a small portion is done at a time, and it is at once enclosed in an air-tight press, so as to prevent any dust or outside matter adhering to the freshly lacquered surface. At the proper time, when the lacquer has sufficiently hardened, the article is taken out, and the part over which the gold dust has been sprinkled, receives a coat of transparent varnish *(Suki urushi)*, laid on with a hare's hair brush, and a further portion is prepared with a coating of gold dust, as on the previous day: the article is again closed up in the air-tight damp press as before, till dry. When the portion which has received the second coat of lacquer over the gold dust is quite hard, it is rubbed smooth with a piece of hard charcoal made from camellia wood, or Hō-no-ki, until the whole is level with the surrounding parts. Then it is rubbed with the finger and some finely powdered whetstone and deer's horn, with the smallest quantity of oil, till it attains a fine polish. If upon this surface

any further work takes place, such as the veining of leaves, or the painting of stamens, etc., of flowers, these are traced in lacquer and covered with gold dust, and when dry the final polish is given with the finger and powdered deer's horn. The above is the usual mode of making flat gold lacquer.

4.—TOGI-DASHI—BRINGING OUT BY POLISHING.

This style consists in applying to the plain lacquered article the design required, in the same manner as in *Hira-makiye*. The whole surface of the article then receives a coat either of black lacquer or transparent lacquer, which, when dry, is ground down with Hō-no-ki charcoal till the pattern shows out. It is then polished off in the same manner with deer's horn and oil, on the point of the finger. For making *Togi-dashi*, gold dust of a slightly coarser quality is used than for ordinary *Hira-makiye*.

5.—TAKA-MAKIYE—RAISED GOLD LACQUER.

The first and second processes are the same as when making flat lacquer, but instead of gold dust, finely powdered camellia charcoal is shaken over the freshly lacquered surface. After drying, the article is carefully dusted with a soft rag, to remove any loose charcoal powder, and the parts are further washed with a brush and water, to bring out the fine lines, etc. Some Yoshino lacquer is then rubbed on the charcoal surface with a piece of cotton wool, a coating of *Sabiko* applied, and the article set to dry in the damp press. Afterwards the surface is ground smooth with Hō-no-ki charcoal, and a further rubbing is given with camellia charcoal powdered, on a piece of cotton cloth. A coating of *Taka-maki* lacquer is then given, and the article is put again in the press to dry: on removing it the process of grinding with Hō-no-ki and powdered camellia charcoal is repeated. Yoshino lacquer is then rubbed on with a piece of cotton wool as before, and the article is again set to dry. When taken out it is polished smooth with powdered whetstone on the point of the finger, a coat of *Shita-maki*, or groundwork lacquer, given, and then the gold powder is applied,—for small work, with a fine brush, and for large work, shaken through a quill with muslin over one end. The article is then again set to dry, and the remainder of the process is the same as for flat lacquer.

According as the lacquer is to be more or less raised, two or more coats of *Taka-maki* lacquer have to be given, till the required height is obtained, and it is at this period of the process that the shape of the hills, rocks, trees, or flowers is worked out.

VIII.—VARIOUS KINDS OF POWDERED METAL USED IN ORNAMENTING LACQUER.

1. *Keshi-ko*, gold or silver leaf reduced to powder by mixing with glue. When the leaf has been reduced sufficiently fine, water is stirred in to get rid of the glue, the metal sinking to the bottom. After drying, the powder is ready for use.

2. *Goku Mi-jin Ko.*
3. *Ara-goku.*
4. *Mi-jin.*
5. *Hana-ko.*
6. *Mi-jin Tsune.*
7. *Hoso-me Tsune.*
8. *Naka Tsune.*

These are all names given to gold and silver filings of various degrees of fineness, *Goku Mi-jin Ko* being the finest, and *Naka Tsune* the coarsest.

9. *Nashiji* and *Hira-me* are likewise gold and silver filings. After filing, the dust is sifted, the finest being called *Nashiji*, and the dust which has not passed through the sieve is then put on an iron plate and covered with a thin sheet of the same metal. This is then rubbed with a heavy metal bar, so as to flatten the dust as much as possible, which is then called *Hira-me*.

The gold used is of various qualities.

1. *Yaki kin* ..... Pure gold.
2. *Ko-ban* ..... gold 7.4, silver 2.6.
3. *Jiki-ban* ..... gold 4.4, silver 5.6.
4. *Tsugi-ban*..... gold 2.2, silver 7.8.

There are also many qualities of powdered tin.

IX.—INSTRUMENTS, ETC., USED IN THE MANUFACTURE OF LACQUER WARE.

1. Spatula made of Hi-no-ki; used for mixing Sabiko or other compounds: corresponds to an artist's palette knife.

2. Spatula made of whalebone; is the best for laying on the first coat of lacquer; it is also used for mixing. The material is called Island whalebone and is obtained from China, as Japanese whalebone, owing to its liability to split, is practically useless.
3. Bamboo tubes or funnels, of three different sizes, with wire netting at one end according to the fineness required; used in making Nashiji.
4. A goose quill, with a fine piece of muslin fastened over one end for scattering the very finest gold and silver powder.
5. Charcoal, made from Camellia, Azalea, Hō-no-ki and Hiyakujikkō woods.
6. To-no-ko, the clay from the Inari Hill at Kiōto, burnt and ground to a fine powder.
7. Hiki-ko, the fine powder obtained by scraping a whetstone with a knife.
8. Rape seed oil, and *Ye* (Perilla) oil.
9. Hair brushes of different sizes made from the long hairs of the winter coat of a horse, used for dusting and wiping the work.
10. Brushes used for painting with lacquer:—
    - *(a)* Rat's hair brushes, made of the longest hairs in the body, for fine work.
    - *(b)* Rat's hair brushes made of ordinary hair, used for common brushes.
    - *(c)* Brushes made from hare's and cat's hair. Various sized brushes are used, and are known in the trade as *ichō*, *ichō-han*, *nichō*, *san-chō*, etc. They are used for groundwork.
    - *(d)* Brushes of different sizes of human hair, used for wiping off any extra loose gold or silver dust, after application.

X.—NOTED WORKERS IN LACQUER, AND THE PERIOD IN WHICH THEY LIVED.

Norisuye, period of Angen, A.D. 1175.
Sadayasu, period of Angen, A.D. 1175.

Ki no Sukemasa, period of Jūyei, A.D. 1182.
Nakahara Suyetsune, period of Jūyei, A.D. 1182.
Kiyowara Sadamitsu, period of Jūyei, A.D. 1182.
Butsujō, period of Shōwa A.D. 1812.
Suketoki, period of Shōwa, A.D. 1812.
Shō-gaku, period of Shōwa, A.D. 1812.
Riyōyen, period of Shōwa, A.D. 1812.
Kō-a, period of Shōwa, A.D. 1812.
Rengetsu, period of Shōwa, A.D. 1812.
Zempō, period of Shōwa, A.D. 1812.
Shinshō, period of Shōwa, A.D. 1812.
Genshō, period of Shōwa, A.D. 1812.
Sanetoki, period of Shōwa, A.D. 1812.
Igarashi, period of Hōkoku, A.D. 1449.
Igarashi Dōko, period of Tenshō, A.D. 1573.
Hon-nami Kōyetsu (resident of Yedo), period of Kwanyei, A.D. 1624.
Koma Kiuhaku (resident of Yedo), period of Kwanyei, A.D. 1624.
Ogata Kōrin (resident of Kiōto), period of Hōyei, A.D. 1704.
Nonaka Kenzan (resident of Kiōto), period of Hōyei, A.D. 1704.
Shiomi Kōhei (resident of Kiōto), period of Hōhei, A.D. 1704.
Kajikawa Kinjirō (resident of Yedo), period of Temmei, A.D. 1781.
Yamamoto Shunshō (resident of Kiōto), period of Temmei, A.D. 1781.
Nagata Yūji (a pupil of Ogata Kōrin), period of Temmei, A.D. 1781.
Koma Kwan-sai (resident of Yedo), period of Kwan-sai, A.D. 1789.
Inouye Haku-sai (resident of Yedo), period of Kwan-sai, A.D. 1789.
Hara Yōyū-sai (resident of Yedo), period of Kwan-sai, A.D. 1789.

Shibata Ze-shin,
Watanabe Tō-sen,
Ikeda Tai-shin,
Nakayama Ko-min,
Ogawa Shō-min.

} Tōkiō workmen of the present day. They are all elderly men.

Ogawa Shō-min is noted for his clever imitations of old ware.

Watanabe Tō-sen is at present employed by a company in Tōkiō called the Sei-kō-sha, and is at work on a tobacco box for the Empress. The pattern is landscape and water, with cranes in the foreground, and

embraces the various styles, viz., *Togi-dashi*, *Hira-makiye*, and *Taka-makiye*. It has been six months on hand and will probably be completed in a couple of months. The estimated cost is about three hundred *yen*. The above facts will give a slight idea of the time it takes to complete a good piece of lacquer ware; the dimensions of this box are about ten inches long by six deep and eight inches high.

The great drawback to making lacquer ware of a high order in the present day consists in the fact that the workmen cannot afford the time necessary, but are obliged to work as rapidly as possible. In former days time was no object.

XI.—NOTED PIECES OF OLD LACQUER.

A *Kesa bako*, box for holding the scarf worn by Buddhist priests over the shoulder, formerly belonging to Shōtoku Taishi, who lived during the reign of the Emperor Kinmei, A.D. 540-572. This is preserved in the temple of Tōdaiji at Nara.

A *Sword sheath*, formerly belonging to the Emperor Shōmu, A.D. 724-748, also preserved at the temple of Tōdaiji at Nara.

A *Writing box*, formerly belonging to the Emperor Go-Toba, A.D. 1186-1198. This is preserved in the Shintō temple of Hachiman at Kamakura.

A *Mirror stand*, formerly belonging to Masago, wife of the Shō-gun Yoritomo, A.D. 1192-1199. Preserved in the temple of Gon-gen, in the province of Idzu.

A *Tebako*, box formerly belonging to the Shō-gun Ashikaga Yoshimasa, A.D. 1449-1490, preserved in the museum at Uyeno.

Enclosure No. 4

THE CHEMISTRY OF JAPANESE LACQUER.[1]

By O. Korschelt and H. Yoshida.

[*Read February 13th, 1884.*]

The Japanese lacquer is the sap of the lacquer tree (*Rhus vernicifera*) and is obtained by making incisions in the stem and branches of the young tree, the lacquer then flowing out as a viscous greyish liquid. The processes of collecting and purifying the raw lacquer and making it fit for use, as well as the very numerous ways of preparing the different kinds of lacquer-ware, have been described with more or less detail by several authors. The first writer on the subject in a European language was M. Paul Ory, who published a brochure on the *arbre-à-lacque* in Paris, 1875; this, however, we have not seen. Other descriptions of the lacquer-industry were given by the Japanese Commissioners to the International Exhibitions of Philadelphia and Paris. Mr. S. Ishimatsu, now called S. Hiraga, wrote, in 1877, a manuscript essay now in the library of the Tôkiô University; this is remarkable as the first account of the chemistry of the Japanese lacquer; it also contains a short description of the manner in which raw lacquer is collected. Very detailed accounts of the Japanese lacquer-industry have been given by Prof. Rein in the "*Oesterreichische Monatsschrift für den Orient*, 1882, Nos. 4-7, and by Mr. Quin, formerly British Consul at Hakodate, in a report to his government. It appears to us, however, that these publications have not exhausted their subject, and that still much new

[1] A preliminary note on the same subject was given in September 1883, by one of us in the German Asiatic Society, by the other in the Chemical Society of Japan.

easily that nothing is so much to be desired as a dictionary easy to refer to without loss of time. In Chinese this is the more expedient, because the language is so vast, and up to the present the dictionaries are so imperfect, that the student wants not only to see the word again and again, but often desires to add his own quota to its imperfections.

DISCUSSION.

A very animated discussion followed, largely interspersed with questions upon special points which had not appeared sufficiently clear during the reading of the paper.

The Rev. Mr. Gring doubted if, after all, the system would be of such superiority as its author thought, as it also seemed to require the learning by heart of the 214 radicals.

The Chairman, in criticism of certain remarks of Mr. Gring's, pointed out that a dictionary was valuable because it contained the uncommon words, and that in any process of abridgment the ordinary words which every one knew should be the first to be sacrificed. He felt it would be premature to enter into any detailed criticism of the plan which the Rev. Mr. Summers had laid before them. The best test would be the practical test; and he would reserve his judgment until the new dictionary was published and in his hands.

and valuable information on the making of lacquer-ware might be collected by direct enquiries in the work-shops. Until now we have directed our attention only to the explanation of the chemical processes applied in making lacquer-ware, but we hope to be able at some future time to continue our investigations in the work-shops and in connection with the workers, feeling sure that the methods of working may be improved in some way by the scientific basis we have given to this extremely interesting industry.

The lacquer-tree is cultivated all over the country, but especially in the northern and middle provinces of the main island between 33° and 37° latitude. The provinces where most of the lacquer is produced are Dewa, Oshiu, Aidzu, Echigo, Sagami, Suruga and Aki, but the best lacquer comes from the district round Yoshino in Yamato, that from Aidzu being also celebrated. Only the young trees furnish the good lacquer; from the old trees only very little lacquer is obtained, which is besides of an inferior quality. It may be mentioned that the berries of the old lacquer-trees furnish, when crushed and steamed, Japanese wax, although most of this is got from *Rhus succedanea*, a tree which very much resembles the lacquer-tree.

The trees are tapped when 5 to 10 years old and 9 to 12 feet high; afterwards they are cut down.

Three kinds of juice are obtained by different processes. They are distinguished as *Ki-urushi* (raw lacquer), *Seshime-urushi* (*seshime* is a technical expression, the meaning of which is unknown) and *Moku-yeki* (wood-juice). *Ki-urushi* is the best quality, which exudes in drops from the incisions made into the stem between the outer and inner bark. If the best lacquer is wanted, the trees are allowed to rest one year and are tapped only every second year. They may be tapped every year, but then the quality of the lacquer gets inferior. The iron or bamboo spatulas used in collecting the juice are well oiled, else it would be impossible to transfer the juice from them to the collecting vessel without great loss. In consequence of the small yield of lacquer from one tree, the trees are not planted on ground which could be used for anything else. The trees are found on the borders of the fields, on the hill-sides, etc., just as the mulberry-trees in the silk-districts, although the latter are also sometimes found on arable land.

The *Seshime-urushi* is got from the branches and twigs of the trees, which are cut off and steeped in water for several months. After having been soaked during this time, they are slightly warmed by laying them near the fire, and the *Seshime-urushi* then exudes from the incisions made and from the ends. This lacquer is always of inferior quality and of harder consistence than the *Ki-urushi*, and is applied only for priming the lacquer ware.

Moku-yeki is a very inferior kind of lacquer, but we have not been able to ascertain how it is obtained. We have been informed that the *Ki-urushi*, before being sent to market, is always mixed with a certain quantity of *Moku-yeki*, so the ordinary *Yoshino-urushi* contains 40 % *Moku-yeki*, while the inferior *Yoshino-urushi* contains as much as 70 %. A certain quantity of *Moku-yeki* must consequently be got from each tree besides the *Ki-urushi*.

Between the farmers who produce the raw lacquer and the lacquer-makers, there is a class of merchants in whose hands the raw lacquer undergoes a preparatory treatment to make it fit for the use of the lacquer-makers. This treatment consists (1) in a filtering of the raw lacquer through cotton-cloth and afterwards through a very thin paper, called *Yoshino-gami*, to remove bark-dust and other impurities; (2) in stirring the lacquer in a large shallow wooden pan in the sunshine. The pan stands inclined and the lacquer stirred up flows back in a thin layer over the nearly plain bottom of the pan. By this treatment the lacquer assumes a dark brown color and loses in volume. The latter the workers ascribe to the evaporation of water from the raw lacquer, in which opinion, as will be seen afterwards, they are quite right. It is an experience of the lacquer-makers, that, if this stirring is continued too long a time, the drying of the lacquer afterwards becomes very slow, a fact we shall be able to explain later on in this paper.

All the lacquer is subjected to this preliminary treatment. The greater part of the lacquer is now mixed with a certain quantity of a drying oil, called *Ye no abura*. This quantity varies according to the kind of varnish it is intended for, but is never more than 20 %. *Ye no abura* is the oil of *Perilla ocimoides*, and is used largely in making water-proof paper for umbrellas, rain-coats, etc. Its drying qualities are excellent. Those kinds of coloured lacquer, which are much used by

the lacquer-makers, are also prepared by the merchants. Vermilion, indigo, orpiment, lamp-black and iron salts are mostly used to impart the different colors. The iron salts are either ferrous sulphate or the so-called *ohaguro*, tooth-black, which is made by allowing iron to rust in vinegar or *sake*, and which is consequently acetate of iron. These iron-salts are incorporated with the lacquer by stirring both together in the above-mentioned pan, whereby the water of solution is removed. The iron-salts give to the lacquer a dark brown colour called *ro-iro*; vermilion gives red. These two colours are the most used, as they best agree with the natural dark brown colour of the lacquer. Indigo alone does not make the lacquer blue, when added in such quantity only, that the lacquer still will harden. Besides red and black lacquer, green and yellow lacquer is made, the first by adding a mixture of orpiment and indigo, the latter by orpiment alone. Ultramarine, the aniline colours, different oxides and colours of vegetable origin, if mixed with lacquer, do not impart to it their own colour, but give it only a dirty appearance. Ultramarine is decomposed by lacquer developing sulphureted hydrogen.

Constituents of the Lacquer.

The filtered raw lacquer is a grey and very viscous liquid which cannot be poured from one vessel to another without much remaining on the side of the former. It has a characteristic sweet odour. Under the microscope (magnifying power 7-800) it appears to consist of very minute globules. There are larger globules which have a light colour mixed with smaller globules, and dark in colour. The latter are much more numerous than the former. Between them opaque brown matter is irregularly distributed in shreds and lines.

The raw lacquer is consequently an *emulsion* of two substances, with which is mixed a third.

The specific gravity of filtered raw lacquer is 1.0020 at 15° compared with water of the same temperature. This determination was made with Yoshino-lacquer, which is the best kind. The raw lacquer, as obtained from the tree, has a little higher specific gravity owing to the particles of bark and dust it contains. An unfiltered sample of raw lacquer from Hachioji in the province of Sagami gave 1.0879.

The raw lacquer is for the most part soluble in absolute alcohol, ether, carbon disulphide, benzene, petroleum, chloroform and amyl-alcohol. It dissolves about equally well in all, with the exception of amyl-alcohol, which is less active, but the best solvent is absolute alcohol. With the other solvents the insoluble residue remains in the state of emulsion, which makes the extraction of the last portion of soluble matter tedious, while absolute alcohol destroys the emulsion by taking up the water and gives to the residue the appearance of a heavy precipitate, which easily settles and can be well extracted. If the alcohol used is not quite absolute, the solutions obtained by decanting or filtering are more or less cloudy; in the same way some drops of water added to an alcoholic solution make the latter cloudy. It seems that the substance soluble in alcohol returns at once to the former state of emulsion when it meets water. If the raw lacquer has been treated about ten times with alcohol, each time thirty times its volume of alcohol being used and filtered off, it is completely exhausted. If the extraction with alcohol is done in the cold, there is always some hardening taking place, a thin black line being formed on the beaker along the surface of the alcohol. This hardened lacquer mixing with the residue makes it impure. By heating the raw lacquer on the water-bath before the extraction, or by using hot alcohol at the first extraction, this difficulty is entirely overcome, no line of hardened lacquer appearing then. On evaporating the alcoholic solution, at last on the water-bath, a dark brown syrupy liquid remains behind, amounting to between 60 and 80 % of the original lacquer. This liquid, which is entirely insoluble in water, as well as its alcoholic solution, reddens litmus-paper strongly and gives precipitates, if aqueous, or alcoholic solutions of metallic salts are added to its alcoholic solutions. It is consequently an acid and a rather strong one, as it decomposes even nitrates and chlorides. We call this acid URUSHIC ACID. Its combustion gave the following numbers.

	I.	II.	Mean	Calculated for $C_{14}H_{18}O_2$	Calculated for $C_{14}H_{19}O_2$
Carbon	=77.09	77.01	77.05	77.07	76.71
Hydrogen	= 8.75	9.28	9.02	8.26	8.68
Oxygen	=14.16	13.71	13.93	14.68	14.61

The numbers for hydrogen do not agree well with either of the two formulæ which express best the results of the analyses, but the numbers observed for carbon correspond so well with the formula $C_{14}H_{18}O_2$, that this is the most probable composition of the Urushic Acid.

The residue, insoluble in alcohol, the colour of which differed, being in some cases grey, in others brown, partly dissolves, if treated with hot or cold water, leaving a residue which was invariably of a brown colour. The solution evaporated on the water-bath leaves a substance exactly corresponding in appearance to gum-arabic. Its solution foams strongly when boiled, and its adhesive power is very great and like that of a solution of gum-arabic. The combustion of it gave :—

Carbon	=40.51%
Hydrogen	= 5.98
Ash	= 5.06

The composition of the ash was the following :—

Carbon	=40.51 %
Silica	= 0.48
Alumina	= 7.85
Iron oxide	—
Lime	=44.77
Magnesia	= 5.79
Potash	=13.68
Soda	= 1.83
Carbon dioxide (by difference)	=26.10
	100.00

If the hydrogen which is substituted by the bases, is calculated and added to the hydrogen found, and if the numbers for carbon and hydrogen are recalculated to 100, the composition of the gum free of ash is obtained as :—

		Calculated for $C_{12}H_{22}O_{11}$, Arabic Acid.
Carbon	=42.47	42.11
Hydrogen	= 6.40	6.43
Oxygen	=51.13	51.46
	100.00	100.00

The numbers calculated and observed agree exactly.

The ash of gum-arabic consists mainly of lime and potash, the ash of the gum in the lacquer does the same, but it contains besides a considerable quantity of alumina, which however cannot be taken as an essential difference.

After boiling the gum for 30 minutes with 10 % hydrochloric acid, its reducing power was tested with Fehling's solution. Several preliminary experiments were made to ascertain the conditions under which the greatest quantity of sugar was formed from the gum. Sulphuric acid was found to be very liable to destroy the sugar which it had previously formed, and the above stated conditions gave the highest weights for the reduced Copper-oxide. 0.5 grs. gum, corresponding to 0.4747 grs. gum, in which the bases are substituted by hydrogen, gave 0.8050 and 0.8114 grs. CuO, the mean being 0.8082 grs. CuO. Supposing the sugar to have the composition $C_6H_{12}O_6$, one molecule of it reduces 3.67 molecules CuO. Arabinose, the sugar obtained from gum-arabic and metapectic acid reduces, according to Scheibler (Deutsche Chem. Ber. 1868, p. 108 and 1878, p. 612) 5.5 molecules CuO. It seems, therefore, that we have here a new kind of sugar, the reducing power of which is exactly two-thirds of that of arabinose. We are at present occupied in preparing this sugar, the name of which would be *urushinose* in the pure state, in order to study its properties.

We supposed that the residue remaining after the extraction of the gum would consist mainly of cellulose. We therefore treated it with aqueous Copper-oxide-ammonia, but the solution gave on addition of acids only a very slight, white and flocculent precipitate, almost nothing in fact. Cellulose was consequently not present. The residue, however, gave the reactions of nitrogen strongly and contained sulphur and phosphorus in traces. It consequently seemed to be an albumenoid body, but was entirely insoluble in every solvent we tried, when the gum was extracted by boiling water. If we dissolved the gum with cold water to avoid coagulation of the albumenoid, we could show that the latter was very slightly soluble in cold water and in dilute solutions of the alkali-hydrates, but not in weak acids. We therefore were not able to purify this substance, which certainly was impure from admixture of hardened lacquer, being always of a dark brown colour. The analysis of the residue gave :—

Carbon	= 63.44
Hydrogen	= 7.41
Nitrogen	= 4.01
Oxygen	= 22.94
Ash	= 1.20
Sulphur	= trace
Phosphorus	= trace
	100.00

These numbers agree nearly with the formula $C_{18}H_{25}O_5N$. If we multiply this four times to give to it the number of carbon-atoms in Lieberkühn's albumin-formula, we get $C_{72}H_{100}O_{20}N_4$, while Lieberkühn gives $C_{72}H_{112}N_{18}SO_{22}$ as the composition of albumin. It is difficult to believe that the residue should contain not so much as one-fourth albumin, and more likely that we have here a nitrogenous body with a much smaller percentage of nitrogen than albumin, but in its properties standing near the latter, since it is slightly soluble in water and alkalies and can be coagulated by heat like albumin.

The above sample was prepared without taking care to avoid partial drying of the juice while extracting it. When we took a juice which showed no signs of partial drying and which we heated on the water-bath before the extraction, we found that the nitrogenous residue had more nitrogen and less carbon, evidently because it contained less dried urushic acid than before, perhaps none at all.

	I.	II.	Mean.	Without ash.	$C_{72}H_{112}N_6O_{22}$	$C_{72}H_{110}N_6O_{24}$
Carbon	= 59.52	59.72	59.62	60.34	61.19	59.92
Hydrogen	= 7.62	lost	7.62	7.72	7.93	7.63
Nitrogen	= 5.48	...	5.48	5.55	5.95	5.83
Oxygen	= ...	...	26.08	26.39	24.93	26.63
Ash	= 1.20	...	1.20	...	...	...

Sulphur was present only as an indeterminable trace. The quantities were calculated for $C_{72}H_{112}N_6O_{22}$, which is Lieberkühn's Albumin-formula, but with only 6 nitrogen-atoms instead of its 18, and again for $C_{72}H_{110}N_6O_{24}$. The numbers observed do not agree with the former, differing in carbon 0.9 %, but they agree pretty well with the latter. Whether we have really here an albumin

with only one-third of the usual amount of nitrogen, a supposition for which no precedent exists, or whether this residue is a mixture, one-third of which is albumin and two-thirds a substance or a mixture of substances represented by the formula $C_{18}H_{27}O_6$, can only be decided by the study of the products of decomposition of the nitrogenous residue, and this we have not yet begun. That some other body is present in the residue besides the albumin, is, we believe, shown by the fact that the residue, if kept under water for weeks, gives out a fine characteristic smell similar to that of ether.

By distillation with or without addition of a little water on the water-bath, the raw lacquer gives off water having an acid reaction and upon which a thin film of oily consistency is floating. The quantity of acid contained in the distillate is very small. We got no precipitate with lead-salt, but mercuric-chloride was gradually reduced to metallic mercury, and with silver-solution reduction also took place.

The study of the raw lacquer has proved the existence of the following substances in it:

1. Urushic Acid.
2. Water.
3. Gum.
4. A nitrogenous substance.
5. A volatile acid, present in traces.

As the knives with which the raw lacquer is collected from the incisions of the tree are lubricated with a little of drying oil, to avoid the sticking of the lacquer to the metallic surface, some of the oil mixes with the lacquer. It is supposed by the workmen who do the collecting that the quantity of the oil is about 3 %. After exhausting the lacquer with cold alcohol, we could extract a small quantity of a brown oil with benzene or ether. It represented of course only a part of the oil which was present in the lacquer, as the cold alcohol slightly dissolves oil. All the specimens of lacquer we have examined contained more or less of the oil, and we found it in comparatively large quantity in those kinds which had already passed through the hands of the lacquer-preparers. We may therefore add as another substance, always present in the lacquer, although not contained in it originally,—

6. A drying oil, *Ye no abura*.

We analyzed all the different specimens of unadulterated lacquer which we could obtain. They had the following composition:

	1	2	3	4	5	6	7
Localities.	Yoshino, Yamato.	Hidachi, Hottamura.	Sagami, Southern district.	Echigo, Northern district.	Sagami, Hachioji.	Origin unknown, bought in Tokio.	Bought in Tokio.
Urushic Acid	85.15	64.62	68.83	66.92	80.00	64.07	58·24
Gum	3.15	5.56	5.02	4.75	4.69	6.05	6.32
Nitrog Substance	2.28	2.10	2.01	1.72	3.31	3.43	2.27
Oil	?	0.09	0.06	0.06	?	0.23	?
Water	9.42	27.63	24.08	26.55	12.00	26.22	33.17

The sample No. 1 is from the most famous lacquer district near Kiôto and is a specimen of the best kind of Japanese lacquer. It was collected in the presence and under the superintendence of government officers and then directly sent to Tôkiô to be examined. Its absolute purity is consequently guaranteed. The samples 2-5 were also obtained under specially favourable circumstances and directly from the producers. They were filtered in the laboratory and then analysed. Nos. 1 and 5 are *Ki-urushi* only, and no *moku-yeki* is mixed with them, while 2, 3 and 4 probably contain *moku-yeki*. Nos. 2-6 were analysed by Mr. T. Takayama. No. 7 is a specimen of an unprepared common lacquer, as it may be bought in Tôkiô. It was analysed by Mr. S. Hiraga, and the numbers were taken from his essay. No. 6 is a common lacquer, the water of which has been partly evaporated by stirring, it was blackened and ready for use. We may mention here that the best kinds of lacquer, as Nos. 1 and 5, do not undergo the preliminary treatment of stirring, because the amount of water in them is already sufficiently small.

The analyses show very strikingly that the main difference of good and bad lacquer lies in the quantities of urushic acid and water, the urushic acid being in the best kind of lacquer 80-85 %, in the middle kind about 66 % and in the worst below 60 %. The water shows an opposite relation: its quantity is smallest in the best kinds of lacquer and increases in the inferior qualities. It is about 10 % in the best lacquer, about 16 % in lacquer of middle quality and rises to 33 % in bad lacquer.

By stirring the bad lacquer in the evaporating pan, the water in it diminishes to about one-half, and its quantity is then as high as it is in lacquer of middle quality when it flows out of the tree. The stirring of the lacquer increases its viscosity very much, through partial hardening setting in, as seem to be shown by its blackening at the same time. While samples 2, 3 and 4 could be easily poured from one vessel to the other, this was nearly impossible with No. 6. Therefore the addition of a drying oil after evaporating the excess of water may not be only a means of making the lacquer cheaper, but its essential purpose seems to be to restore the lost, but necessary mobility.

The Hardening of the Lacquer.

The article which has received a brushing of a thin layer of lacquer upon it, is always put into a chamber, which is either a large wooden box, if some few articles only are made, or a well closed room, and then *kura* (fire-proof buildings) are generally preferred. In putting the articles coated with the drying lacquer into a closed and dark room, it is not the intention of the workers to exclude the light. They are aware that the lacquer, other conditions being the same, dries just as well in darkness as in diffused light or even in the sunshine. The latter, however, will be, we believe, injurious in two ways; first, raising the temperature of the hardening surface too much, and secondly, evaporating the water in the lacquer too quickly, in both cases retarding the drying. The direct sunshine is consequently injurious only by its secondary reactions, and to avoid these injurious influences the articles are not put in the open air to dry; besides this, the drying would go on slower on the side exposed to the wind, and lastly, dust would stick to the surface and make it unclean. It is the experience of the lacquer-makers that temperature and the humidity of the atmosphere have a decided influence on the time required by a layer of lacquer to dry. The season which is considered the most favourable one is the rainy season, at the beginning of summer, called *tsuyu*; then the temperature fluctuates between 20 and 27°, and the air is frequently saturated with moisture and has rarely less than 80 % humidity. The lacquer-makers know that it is always preferable to have a wet atmosphere, therefore in the dry season they hang up moistened cloth on the sides of the chamber

and put dishes filled with water in it. If the temperature rises over or falls below the most favourable temperature of 20-27°, the drying of the lacquer gets always slower and is entirely lost near the freezing-point, at least the lacquer-makers insist that in the winter months (end of December to end of February) the lacquer does not dry at all, even in moist atmosphere. In keeping the raw lacquer over winter, no precaution is taken to prevent its cooling down below the freezing-point, although the drying power is at that temperature entirely suspended; it reappears at once if the temperature is raised sufficiently. For this reason, the drying of lacquer is in the winter generally done, if done at all, in a *kura*, which is warmed with a charcoal-fire.

The temperature of the air rises in midsummer over the optimum of 20-27°, and then the drying power of the lacquer is greatly diminished. The highest temperature which the air gets in southern Japan, 36°, is considered to be highly injurious to the drying.

The experiences of the lacquer-makers, as given above, can be condensed into the following:

1. A certain amount of moisture in the air is indispensable for the drying of the lacquer.

2. The drying of the lacquer goes on only inside of very narrow limits of temperature.

These facts being known to us, it became now our object to solve the mystery of this process of drying the lacquer.

We first tried to find out which constituents of the lacquer take an active part in its hardening.

Urushic acid, obtained by evaporation of its alcoholic solution, was brushed in a thin layer on glass plates and kept in a moist atmosphere of favourable temperature. No hardening took place, but after several months the acid got resinous and hard and darkened in colour. This was, however, in many features quite a different process from the natural hardening of lacquer, and it was impossible to mistake it for the latter. Now we proceeded to try a mixture of the urushic acid with water. Both were intimately rubbed together in a mortar in the same proportion as in the raw lacquer, and the mixture was brushed on glass plates and brought into the moist chamber. The result was exactly the same as with urushic acid alone.

We now tried a mixture of urushic acid and of an aqueous solution of gum, applying the three substances in the same relative quantities as in the natural juice. Although care was taken to make a most intimate mixture, and although afterwards the proportions and conditions in the chamber were varied, we observed in no case a hardening. We also tried gum-arabic with the same negative result. After several months, again resinification set in in the manner described above.

The next mixture we made consisted of urushic acid and the nitrogenous residue from which the gum was separated by boiling water. No drying took place. Now we tried urushic acid, to which we had added the residue left behind when lacquer is treated with absolute alcohol, and which consists of the gum and the nitrogenous substance. This gave the desired result; the mixture hardened, and besides we observed that the time of hardening got shorter the more of the residue that was taken. When we took the same proportion of urushic acid and residue as the lacquer itself contained, the mixture required a longer time for drying than the original lacquer, which shows that the very intimate distribution of the gum and nitrogenous matter in the raw lacquer cannot be completely reproduced by rubbing the separated substances again together in the mortar. The residue was freed from alcohol by repeatedly pressing it between blotting paper, and then water was added in such a quantity that the mixture contained about as much as the raw lacquer.

When no water was added, the mixture of urushic acid and residue half wet by alcohol, did not harden and blacken at once. Both set in finally, but after a much longer time than that required when water was added to the mixture at once. Evidently the process of drying began only after the mixture had condensed water from the moist air of the chamber. There could be no injurious effect of the alcohol, as the latter was of course very soon completely evaporated from the thinly brushed layer. That water must be present in the lacquer or else its drying power is lost, is a very important observation. There are three ways in which the water may participate in making the urushic acid dry. First, by dissolving the nitrogenous body, which only in solution can act upon the urushic acid; second, by combining with the urushic acid, in the same way as certain nitrogenous bodies called diastase induce

starch to combine with half an atom of water and form maltose; and third, by acting in both ways at the same time. It is proved beyond doubt by the experiment in which a mixture of urushic acid and nitrogenous residue without addition of water hardened only after a considerable delay, that the water acts in the first way, namely as solvent; whether it also acts in the third way, will be seen later on. That the nitrogenous body loses its activity by treatment with boiling water, seems to be due to its coagulation. To prove this, we extracted the residue insoluble in alcohol with cold water until the gum apparently was extracted. The solutions of gum so obtained when boiled, gave a small quantity of an almost white flocculent precipitate, which shows that the nitrogenous body is slightly soluble in water and coagulates when its solution is boiled. It behaves consequently like albumin. When the nitrogenous body from which the gum was extracted as much as possible by cold water, was mixed with the urushic acid, hardening set in at once. We prepared a solution of this nitrogenous body also by shaking raw lacquer with one-half or one-third of its quantity of cold water. This water, which had got turbid, was filtered several times until it was quite clear. Urushic acid rubbed together with it and brushed in a thin layer, blackened and hardened at once, although perhaps not quite so quick as the raw lacquer would have done.

The result of these experiments is, that urushic acid, the nitrogeous body and water, are those constituents of the raw lacquer which play an active part in its hardening, the water acting as a solvent of the nitrogenous body. The presence of the gum in the juice is of no importance in regard to its hardening, but it seems to us that its presence prevents the other constituents separating from the emulsion in which they exist in the tree.

The next question we tried to solve was, to what temperature must the raw lacquer be heated to destroy its hardening power. We first convinced ourselves that the hardening power of the lacquer was destroyed by exposing it to the temperature of the water-bath. We made two series of experiments, the first with Yoshino-lacquer, the composition of which is given under No. 1, and the second with the lacquer No. 6, of unknown origin and bad quality.

The Yoshino-lacquer was placed in a small covered beaker and kept at a certain temperature for 3½-4 hours in a water-bath which stood in another water-bath. Then the approximate quantity of water which had evaporated from the lacquer to the sides of the beaker and cover was re-added, and the lacquer brushed in a thin layer on glass-plates was put in a moist chamber of 20°, kept moist by dropping water.

1. The sample without heating dried after 3½ hours. The same under a bell-jar containing moist oxygen dried after less than 2 hours.
2. Heated to 30°, sample dried after 4 hours.
3. " " 40-53°, " " " 4½ "
4. " " 50°, " time not known.
5. " " 55-59°, " almost after 24 hours. The surface of the lacquer had a dull appearance.
6. Heated to 60-63°, sample did not dry.
7. " " 80°, " " " "
8. " " 100°, " " " "

The lacquer consequently loses its hardening power just at the temperature where albumin coagulates. This is a new and very strong proof that the nitrogenous body in the lacquer by its diastatic power causes the change of the urushic acid into another body which is solid.

The experiments with the lacquer No. 6, of inferior quality, were made by Mr. T. Takayama. He worked under somewhat differing circumstances, which complicated the results. He introduced the lacquer contained in a porcelain-boat into a glass-tube bent round and hanging in a kettle filled with water, which was heated to the desired temperature. In this way the lacquer could be kept more exactly at a certain temperature than formerly. While the sample not heated dried in 5 hours, the sample heated to 60° for 1 hour, dried in the same time only very thinly at the edges and the drying of the whole surface required more than 10 hours. The loss in weight of the lacquer through the heating was 7.5 %. Keeping the lacquer at 65° for 1 hour, the loss in weight was 10.3 % and 51 hours after being put in the moist chamber it was nearly, but not quite dry. The loss in weight at 70° was 11.8 %. This sample after 51 hours in the wet chamber had hardened only on the edges and was not yet fully dry after 100 hours.

The Yoshino-lacquer heated under the same circumstances at 65°

for 1 hour lost 8.6 % and did not dry afterwards. Different kinds of lacquer consequently seem to lose their active power at different temperatures. In those with a high amount of water, as lacquer No. 6, a very small portion of the nitrogenous body seems to escape coagulation, when the volatilized water remains as vapour in the atmosphere surrounding the lacquer, although the temperature may be several degrees over that of coagulation (63°). To try this supposition, Mr. Takayama repeated the experiments, but placed dry calcium chloride into the tubes to absorb the water as soon as volatilized from the lacquer. After heating the lacquer No. 6 in the dry atmosphere at 65° for 5 hours, it showed no sign of hardening afterwards, while the same lacquer heated under the same conditions in a moist atmosphere, showed signs of drying already in the tube, the edges getting hard.

We may consequently consider it as an established fact that every kind of lacquer loses its drying power when heated to the temperature of coagulation of albumin, if only opportunity is given to the water volatilizing from the lacquer to escape.

To give another proof that the nitrogenous body in the lacquer acts as a ferment on the urushic acid, we tried the effect of several substances on the lacquer which are known to coagulate albumin and to prevent the action of ferment.

We brushed the lacquer in thin layers on glass-plates, poured the solution of these substances over it and allowed it to run off after standing on the lacquer a very short time. In this way we tried phenol, potashferro- and ferricyanide, mercuric-chloride, copper-, lead-, and zinc-salts. The latter gave no decisive results and copper- and lead-salts produced precipitates on the surface of the lacquer which were the urushiates of these metals. Although the lacquer afterwards did not harden, on account of these bye-products the result was not clear. The effect of the other four substances was all we had expected. Potashferricyanide acted not so strongly as the others, which, poured once over the thin layer of lacquer, destroyed its hardening power entirely. It was interesting to observe that the lacquer, when its layer happened to be a little thick, hardened in the lower part, while the upper part remained liquid, because the reagents used had not penetrated the whole layer.

We now studied the question, whether the process of hardening is a simple hydration or whether oxygen must necessarily be present.

We brushed a weighed quantity of raw lacquer on slips of window-glass which were introduced into a glass-tube. A current of air was passed through one bottle containing potash-solution and two bottles containing sulphuric acid, and through a calcium chloride-tube, and was thus made completely dry. It now was made moist again by passing through a U-tube of known weight filled with wet pumice stone, and then passed over the lacquer, which quickly dried up, because care was taken to keep it at a temperature of 20-22°. Beyond the glass-tube there was a calcium chloride-tube of known weight which absorbed the moisture, and next to this a tube with soda-lime in order that we might see whether carbonic acid or any volatile acid is evolved from drying lacquer. When we considered the drying of the lacquer complete, we took out the tube of wet pumice-stone and heated the tube holding the lacquer to 100-120°, at the same time passing dry air through. In this way all the water remaining in the glass-tube was quickly carried over into the calcium chloride-tube. We made two experiments, with the following results:

	I.	II.
Weight of lacquer taken	0.5055	1.3278
Containing 17.61 % water	0.1395	0.3666
Water entering the glass-tube with the air	0.0220	0.0715
Total water	0.1615	0.4381
Water which left the glass-tube	0.1583	0.4210
Difference	0.0032	0.0171
This is in % of the Urushic Acid contained in the lacquer (Lacquer No. 2, p. 64.62 %).	0.98 %	1.99 %

If 1 molecule of urushic acid combines with 1 molecule of water, 8.26% water are required. In the first experiment there is only 1 molecule of water to 8.4 molecules urushic acid; in the second, 1 to 4.1 molecules. It is theoretically impossible that more than 2 molecules of the acid should combine with 1 molecule of water, and as the quantities of water not found again are so small as to fall, at least in the first analysis, within the limits of errors of experiment, we may safely conclude that *water is not taken up by the drying urushic acid.*

We have mentioned already that in moist oxygen the lacquer dries in half the time that it requires in moist air. This observation makes it very probable that *the drying of lacquer is a process of oxidation.* That indeed oxygen is absorbed by the hardening lacquer can be easily shown by spreading some lacquer over the inside of a bottle and inverting the latter in a pneumatic trough under water. The water then rises quickly and partly fills the bottle. The result is the same whether the bottle has been filled with oxygen or with air, only that in the former case the absorption is a much quicker one.

If the hardening of the lacquer consists in an absorption of oxygen, the lacquer would not harden in any other gas. To try this, we again brushed some raw lacquer in a thin layer over glass-plates and placed it under a bell-jar, which was afterwards filled with the gas. We used nitrogen, hydrogen, and carbonic acid in these experiments, at a temperature of 13-15°, with the result that, when the gases were dry, the lacquer never hardened, but when they were moist, the lacquer got hard in two days in carbonic acid and after 1½ days in nitrogen and hydrogen. This was a considerable delay, for the same lacquer had dried under the same circumstances in moist oxygen in 2½ hours and in moist air in 4 hours. Although we had taken the usual care to make the bell-jar tight, evidently some air had gradually entered and caused the lacquer to harden. It seems then that the lacquer is able to absorb oxygen even when this is in a state of high dilution, for this was surely the case in these experiments. We therefore made another series of experiments in which we used carbonic acid and hydrogen only, and in which we took every precaution to exclude oxygen altogether. Thus we succeeded in keeping the lacquer liquid in carbonic acid for 4 days and more. With hydrogen we had more difficulties, but at last were able to see the lacquer unchanged after standing in moist hydrogen for one month. This was done by allowing the hydrogen to stand over mercury.

It being thus positively settled that the lacquer absorbs oxygen while hardening, it was now our task to study the quantitative relations of this reaction. We found it impossible to determine the amount of oxygen absorbed by measuring its volume. To spread 1 gr. of lacquer in such a thin layer that it will dry in the course of one day, about

260 square cm. must be covered with it, supposing that the lacquer is brushed over a horizontal surface. If the layer is inclined or vertical, it must be much thiner still, as otherwise it flows downwards. We had therefore to use either such a small quantity of lacquer as to make the result necessarily inexact, or such large vessels as were not at our disposal. We therefore followed the indirect way of analysing the lacquer before and after drying. The Yoshino-lacquer was used in these experiments, because it was the purest sample. After the water had been expelled at the temperature of 100°, it had the following composition:

	I.	II.	Mean.	Calcul. from the constituents.
Carbon =	75.47	75.61	75.54	75.43
Hydrogen =	8.93	9.01	8.97	8.87
Nitrogen =	...	...	0.11	0.10
Ash =	...	...	0.21	0.21
Oxygen =	...	...	15.17	15.36

Having hardened in thin layers on glass-plates and been heated at 100° to expel the water, the lacquer gave on analysis the following numbers:

	I.	II.	Mean.	Calculated.
Carbon =	70.91	70.84	70.85	70.59
Hydrogen =	8.55	7.90	8.22	8.02
Nitrogen =	...	...	0.09	0.09
Ash =	...	...	0.32	0.19
Oxygen =	...	...	20.52	20.82

The calculation of the composition of the raw lacquer free from water was done by multiplying the quantities of the constituents found in Yoshino-lacquer according to its analysis, p. 191, by their composition, and increasing the products so as to make their sum 100. We thought it right to use the numbers obtained by the analysis of the urushic acid and not those calculated from the formula, and also used the numbers obtained by the first analysis of the nitrogenous residue with 63 % carbon, because this analysis was made with a residue got from Yoshino-lacquer. The composition of the hardened lacquer free from water was calculated upon the supposition that one molecule of urushic acid had taken up one atom of oxygen, which gives a ratio of urushic acid to oxygen of 218: 16 or 7.34 %.

The numbers observed agree exceedingly well with those calculated in both cases. The first determination of hydrogen in the hardened lacquer is a little too high, and the same is true of the ash in the hardened lacquer, but this is of no importance whatever. The conclusion to be drawn from these analyses is that—*the hardening of the lacquer consists in the absorption of 1 atom oxygen by 1 molecule urushic acid.*

$$C_{14}H_{18}O_2 + O = C_{14}H_{18}O_3$$
$$= \text{Oxyurushic Acid.}$$

To give another proof that the hardening of the lacquer is not a hydration, we calculated the composition of the hardened lacquer under the supposition that the reaction might be expressed by the equation—

$$C_{14}H_{18}O_2 + H_2O = C_{14}H_{20}O_3$$

and obtained:—

	Calculated.	Observed.
Carbon	= 70.20	70.85
Hydrogen	= 9.02	8.22
Oxygen	= 20.66	20.52
Nitrogen	= 0.09	0.09
Ash	= 0.19	0.32

The difference in the calculated and observed numbers is so considerable that evidently no hydration had taken place. Other formulæ which might be suggested to explain the reaction are—

$$2\,C_{14}H_{18}O_2 + H_2O = C_{28}H_{38}O_5$$
$$2\,C_{14}H_{18}O_2 + H_2O + O = C_{28}H_{38}O_6$$
$$2\,C_{14}H_{18}O_2 + H_2O + 2O = C_{28}H_{38}O_7$$

Of these the first and third are quite out of the question, as they give numbers which are still farther from the observed ones than those just given. The numbers calculated according to the second formula come nearer to the observed numbers, but they also do not agree at all so well with the observed numbers, as those calculated under the supposition of an oxidation only, which therefore can alone explain the experimental results.

The lacquer on drying evolves, besides the water, a certain, but very small quantity of volatile matter which can be absorbed by potash-lye and which seems to be carbonic acid. Its quantity was determined

in the above given two experiments, which were made to find out whether the process of drying of the lacquer is a hydration or not. We found the volatile matter amounting to

0.10 %
0.57
0.86

0.51 % Mean of the juice.

The third experiment was made with 1.5 gr. of juice. The quantity of volatile matter is consequently quite insignificant and far from being constant. We suppose therefore that it has its origin in a secondary reaction.

Preparation of Oxyurushic Acid.

We tried to obtain oxyurushic acid first by purifying the dried lacquer. The raw lacquer was brushed in very thin layers on glass-plates, to ensure complete oxidation throughout its mass, and the dried lacquer, which was dark-brown and transparent, was scraped off and powdered. The powder was first boiled with absolute alcohol to remove the unchanged urushic acid, but in some cases nothing and in other cases very little was dissolved. We then boiled the dried lacquer with water, which was changed several times, and obtained the gum partly in solution. But it was impossible to extract the whole of it. Some quantity, less than one-half, remained in the lacquer, and although we afterwards boiled the lacquer with dilute sulphuric acid, the result was not much improved. As the nitrogenous residue would have offered still greater difficulties to removal, we abandoned the idea of obtaining oxyurushic acid by purifying dried lacquer, and endeavoured to obtain it by direct oxidation of the urushic acid. The following way proved successful.

A hot solution of chromic acid was made by dissolving potash bichromate to saturation, and sulphuric acid added in such excess that the mixture might remain acid after the formation of chrome-alum. The solution was allowed to cool and urushic acid added with continual stirring. The reaction sets in at once with considerable evolution of heat. The urushic acid floats on the solution, the upper layer of which begins to boil, and soon gets pasty. We renewed the chromic acid solution at least twice to make the reaction complete.

The urushic acid becomes more and more pasty and finally solid, at the same time assuming a brown colour. When the urushic acid had changed into a brown powder which sinks to the bottom of the vessel, the process was at an end and no more heat was evolved. After removing the chromic solution by decanting and filtering, the brown powder was boiled first with dilute sulphuric acid (1:30) to dissolve out the small quantity of chromic hydrate it contained, and afterwards with absolute alcohol to get rid of unchanged urushic acid. Of the latter only traces were found, and in some cases none.

Two different preparations were analysed.

Preparation I.

	1	2	Mean.	Calculated for $C_{14} H_{19} O_3$
Carbon =	71.51	71.53	71.52	71.49
Hydrogen =	8.34	8.12	8.23	8.09
Oxygen =	20.15	20.35	20.25	20.43

C : H = 14 : 19.84

C : O = 14 : 2.98

Preparation II.

	1	2	Mean.	Calculated for $C_{14} H_{18} O_3$
Carbon =	71.69	71.71	71.70	71.80
Hydrogen =	7.60	7.72	7.66	7.69
Oxygen =	20.71	20.57	20.64	20.51

C : H = 14 : 17.95

C : O = 14 : 3.02

It will be remembered that in the analysis of the urushic acid we got the numbers for hydrogen too high, thus making the observed number agree better with $C_{14} H_{19} O_2$, which is a very improbable formula, on account of its uneven number of hydrogen-atoms. The analysis of the first preparation of the oxyurushic acid gives the same result; the numbers observed agree very well with $C_{14} H_{19} O_3$. We therefore made the second preparation with special care, continuing the purifying processes much longer than we believed would be necessary. This had the expected result. The numbers observed agree exactly with those

calculated from $C_{14}H_{18}O_3$, which is therefore the composition of the oxyurushic acid, and at the same time prove that urushic acid has the composition $C_{14}H_{18}O_2$.

The oxyurushic acid retains a small quantity of chromic oxide, notwithstanding the prolonged boiling with dilute sulphuric acid, its quantity amounting to about 1.5 %, which in each analysis was separately determined and subtracted.

The oxyurushic acid is a substance of very peculiar properties, which are however rather of a negative character. It is entirely insoluble in every solvent we have tried. Alcohol, ether, carbon disulphide, benzene do not dissolve even a trace. Potash and sodic hydrate, as well as ammonia of any degree of concentration, either cold or boiling, have not the slightest influence upon it. Acids also do not act upon it. In boiling concentrated hydrochloric acid, and even in boiling concentrated sulphuric acid, the oxyurushic acid undergoes no perceptible change; strong nitric acid alone has any influence. Boiling concentrated nitric acid acts slowly upon it, but the action is quicker when fuming nitric acid is boiled with it. Then it changes into a yellow substance which gradually dissolves in the acid. Oxyurushic acid does not melt. It softens, when heated to somewhat over 200°, emitting at the same time a white smoke, and changes its colour to black.

We have in oxyurushic acid one of the most stable and indifferent of bodies: As dried lacquer consists for the most part of this acid, its resistent qualities will be imparted to a certain extent to the lacquer itself. The gum and nitrogenous body which the lacquer contains besides the oxyurushic acid are easily attacked by concentrated alkalies and acids, especially when they are hot. The power of the lacquer to resist the action of these substances will therefore be much less, although it is certainly much increased on the other hand by its smooth surface. In regard to solvents, lacquer will have the same resisting power as the oxyurushic acid itself, as gum and the nitrogenous body are both insoluble in alcohol, etc., and this is confirmed by the practical experience of European photographers, who use lacquer-dishes a great deal.

Influence of Water on Lacquer.

But judging from what we now know of the constituents of dried

lacquer, we have a right to say that *water* must have an injurious influence on lacquer-ware. The gum which is contained in the lacquer swells up when laid in water, before it dissolves in it. Under certain conditions, if lacquer-ware is brought in contact with water, it may happen that the lacquer may rise in blisters caused by the swelling of the gum, and then when the lacquer gets dry again, will crumple, because the gum resumes its former small volume. European writers are silent upon this subject, but it is a fact well known in every Japanese household, that from the lacquer-dishes used at dinner every drop of water remaining on them after they have been washed, must be wiped away thoroughly, as else the phenomenon described above may appear under the drops. Lacquer-ware made of bad juice shows, as is well known in households, this behaviour much more readily than good lacquer. This can be very well understood from our analyses of lacquer-juice (p. 191), which show that bad juice has twice as much gum as good lacquer-juice, which relation increases in the dried lacquer to three times, on account of the difference of the amount of water in the juice.

The gum in the lacquer-ware very likely undergoes a gradual oxidation by the air and it is therefore probable that old lacquer, of 50 or 100 years or more, is not injured by water at all, the gum having disappeared or been altered by oxidation.

There is a way to diminish the gum in the raw juice and thus improve the qualities of the latter, and it is just possible that this process might be employed with advantage by the lacquer-workers. This process would consist in extracting raw juice with alcohol, evaporating the alcoholic solution of urushic acid and mixing the pure urushic acid thus obtained with raw juice in certain proportions. Cqmmon raw juice containing much more water than is necessary for its drying, it will be generally unnecessary to add water to the mixture to restore the former relation of urushic acid and water, unless for trading purposes. As the nitrogenous body according to our opinion acts as a ferment, the drying power of the juice will not suffer, although the quantity of the nitrogenous body should get much less. This of course will be true only to a certain limit, to find which we made several experiments. We mixed 1 part of the lacquer from Hitachi (No. 2, p. 191) with 1.33, 4.5

and 7.7 parts urushic acid and brushed the mixtures on glass-plates, which were put together in the same moist chamber, the temperature of which was only favourable in the day time, during night being not much over 0°. The mixture with 1.8 urushic acid and that with 4.5 did not show any marked difference; the first was dry early the second day, about as quick, as under these conditions the original juice would have become dry, and the second some hours later. Of the third mixture, with 7.7 urushic acid for 1 juice, some spots were dry on the third day and on the sixth day one side of the layer was dry, the other not. Consequently the limit to which the nitrogenous body may be brought down, was here about reached, and if the mixture of the urushic acid with the juice had been more intimate, the layer would have been probably semi-solid by that time.

These mixtures and the original juice have the following composition, free of water. The composition of the Yoshino-juice free of water, which contains the smallest amount of nitrogenous body, is added for comparison.

				Mixtures.		
				a	b	c
		Yoshino.	Hitachi.	1:1.8	1:4.5	1:7.7
Urushic acid	=	94.01	89.15	96.84	98.53	99.09
Gum	=	3.48	7.68	2.64	1.08	0.67
Nitrogenous body	=	2.52	2.90	1.02	0.39	0.24

This table is very instructive. It shows that we can make a lacquer-juice which dries nearly as well as the natural juice, although containing 7 times less nitrogenous body. The lowest amount to which the gum may be brought in the juice by addition of urushic acid is less than the 1.08 % of mixture b. If the Yoshino-juice were diluted with urushic acid, until it contained 0.4 % nitrogenous matter, it would have only 0.56 % gum and consequently 99 % urushic acid. Lacquer made with such a juice would withstand the action of water as effectually as old lacquer, and would also resist the influence of powerful reagents much better, as it would almost consist of oxyurushic acid only (99.1 %).

Some other advantages will be connected with this method of enriching the juice with urushic acid. Lacquer prepared from such

juice shows a greater transparency and its surface a greater evenness and homogeneity, advantages which, together with that in regard to the gum, will, I believe, one day induce the lacquer-dealers to combine with their present methods of preparing the raw juice, that of enriching it in urushic acid.

On the Urushiates.

From the alcoholic solution of urushic acid many salts can be produced by adding alcoholic solutions of metallic salts. Aqueous solutions of the latter may also be used; they give after some shaking the same precipitates. Those of the below mentioned metallic salts which are soluble in alcohol, were invariably used in their alcoholic solution in order to be sure of having the urushiate pure.

Nitrate of silver gives a finely divided brown precipitate which is moderately soluble in alcohol. On boiling, the salt is reduced, depositing a mirror on the sides of the vessel. The silver urushiate is insoluble in water.

Platinic chloride gives a gelatinous black precipitate, somewhat soluble in alcohol. On standing, the precipitate sinks down and ultimately coheres to a pasty mass. Gold-chloride and acetate of uranium give very finely divided dark brown precipitates, which behave in a similar manner to the precipitate obtained by platinum-chloride.

Nitrate of copper imparts an intensely black colour to the alcoholic solution of the acid. If it be considerably diluted with water, the copper compound separates out in a most finely divided state.

Acetate of lead gives a grey flocculent precipitate, which is very characteristic of the urushic acid. It settles easily, and the supernatant liquid can be easily filtered off. In both respects it differs from the salts previously described, which in no case ever settle well and either run through the filter or are too pasty to be washed. We prepared a quantity of this salt by precipitating with an excess of lead acetate, filtering, washing with weak alcohol and then with well boiled water, drying first on a water-bath and finally over sulphuric acid in a desiccator, and then analysed it. The lead was estimated by moistening the salt with a little nitric acid, igniting and weighing as lead oxide.

				Mean.	Calc. for $(C_{14}H_{17}O_2)_2Pb$
Carbon	=	52.12		52.12	52.42
Hydrogen	=	5.34		5.34	5.30
Lead	=	32.63	32.27	32.45	32.29
Oxygen	=			10.09	9.99

C : H = 14 : 17.21

C : O = 14 : 2.03

Pb : C = 1 : 27.7 (2 X 14)

This lead-salt is consequently the normal salt of urushic acid, which it also shows to be dibasic and of the formula $C_{14}H_{18}O_2$.

The lead urushiate is rather an unstable body. When kept for a long time at 100° in an air-bath, it gives out a peculiar odour and turns darker in colour. At 120-125° it melts to a dark brown mass, and at a little higher temperature it ignites spontaneously, burning with a smoky flame and leaving behind oxide of lead. Soluble salts of mercury, zinc, nickel, cobalt, manganese and all the earth-metals failed to give any distinctive reaction.

Free alkali imparts a very dark colour to the solution of the acid, which looks purplish blue by transmitted light and very deep brown by reflected light. If the urushic acid is added to an aqueous alkali solution, a black compound is formed, but it is difficult to say whether it is in the state of solution or of precipitate. It never settles, and makes the water in which it is half-suspended half-dissolved, very viscous. If filtered, most of it runs through the filter and a portion remains upon the filter, but continues to run through on washing. Put aside and left to evaporate spontaneously, a black and very lustrous film forms on the surface. By dissolving this film in light petroleum or benzol, in which it is to some extent soluble, a varnish of superior qualities is obtained. It gives a beautifully lustrous and deep black coating with a very smooth surface without cracks. The aqueous alkaline urushiate can be very well used as a writing ink, which in blackness surpasses any writing ink now in use. It can be only destroyed by strong hydrochloric acid, the written characters appearing even then in a light red colour, which can be made black again, however, although not so deeply as before, by neutralising the acid by alkali. On decomposing the aqueous alkali urushiate with strong hydrochloric acid, the black colour disap-

pears and a solution of dirty red colour is formed, from which, on standing or heating, a brown matter separates out on the surface very much like caoutchouc. A concentrated aqueous alkali-urushiate at once gives this caoutchouc-like matter on addition of hydrochloric acid. This peculiar substance when heated with strong hydrochloric acid on the water bath to fully extract the alkali, gradually blackens and hardens, losing at the same time its elasticity. At a certain stage of this process it much resembles cork, except in colour.

It has the following composition:

			Calculated for $C_{28}H_{38}O_5$.
Carbon	=	73.97	74.01
Hydrogen	=	8.51	8.37
Oxygen	=	17.52	17.62

$C : H = 28 : 38.66$
$C : O = 28 : 4.98$

This substance seems to be formed from urushic acid according to the equation—

$$2\ C_{14}H_{18}O_2 + H_2O = C_{28}H_{38}O_5$$

It is very sparingly soluble in alcohol and ether, and does not dissolve again in sodic hydrate solution.

On Ferric Urushiate.

We have already mentioned that black lacquer is either produced by adding lampblack or by mixing some iron-salt with the lacquer-juice. In the latter case some iron-urushiate of a black colour is evidently formed, and we have therefore given special attention to the reactions between ferric oxide and urushic acid. Aqueous ferric chloride gives with alcoholic urushic acid a deep black voluminous precipitate, easily settling and sparingly soluble in alcohol, but almost insoluble in water. To see whether ferric urushiates of different composition might be obtained by a different way of precipitating them, we first poured into a great excess of urushic acid solution a small quantity of ferric chloride, and in another case we used a much larger amount of the latter. The two preparations showed no difference in appearance. They were

collected on filters, thoroughly washed with hot water, partially dried on the water-bath and then, still moist, put in a desiccator over sulphuric acid for several days.

Ferric Urushiate No. I.

		I.	II.	Mean.	Calculated.
Carbon	=	74.42	74.40	74.41	74.53
Hydrogen	=	8.18	8.14	8.16	8.02
Irom	=	2.07	...	2.07	2.07
Oxygen	=	...	...	15.36	15.38

C : H = 14 : 18.42

C : O = 14 : 2.17

Fe : C = 2 : 335.6 (14 × 24 = 336)

This salt is consequently very acid, 24 molecules of urushic acid being combined with 1 molecule of ferric oxide. The relations between carbon on one side and hydrogen and oxygen on the other show that there is more hydrogen and oxygen in the substance than the formula requires. The substance contains consequently water and the numbers calculated for

$$(C_{14}\,H_{17}\,O_2)_6\,Fe_2 + 18\,C_{14}\,H_{18}\,O_2 + 4\,H_2O$$

agree exactly with those observed.

Ferric Urushiate No. II.

		Observed.	Calculated for $(C_{41}\,H_{17}\,O_2)_6\,Fe_2 + 6\,C_{14}\,H_{18}\,O_2$
Carbon	=	74.56	74.06
Hydrogen	=	8.16	7.71
Iron	=	4.29	4.11
Oxygen	=	12.99	14.11

The numbers observed do not agree well with those calculated, but we cannot express the results of the analysis better by any other formula.

Both iron-salts are, in the dry state, very light and have a faint peculiar odour. They melt at about 120° to a black mass with some decomposition, and at a little higher temperature ignite spontaneously, giving out dense smoke of a disagreeable odour, without flame, sparks only running over the surface.

We made a third preparation with alcoholic ferric chloride, which we dried at 100-110° in the air-bath for 6-7 hours. On analysis it gave:

Ferric Urushiate No. III.

		1	2	Mean.
Carbon	=	71.80	71.55	71.68
Hydrogen	=	7.71	7.67	7.69
Iron	=	3.126	...	3.126
Oxygen	=	...	...	17.50

C : H = 14 : 18.02
C : O = 14 : 2.56
Fe : C = 1 : 107.1

These numbers lead to no definite formula, but they tend to show that oxidation took place while the substance was drying at 100°. The relation between carbon and hydrogen is not altered, and that between iron and carbon is also nearly the same as in the preparation No I. To see whether this very peculiar oxidation would again occur on exposing this ferric-urushiate to 100°, we spread 3.2386 gr. of it on the bottom of a flask, which we placed in boiling water. Air free from moisture and carbonic acid was passed over the substance in a slow current and into calcium-chloride-tubes and a Liebig's potash-bulb to absorb the water and the carbonic acid which might be produced by the oxidation. After continuing the treatment for 10 hours, the weight of the substance employed had increased 0.1034 gr. = 3.19 %.
and 0.3890 gr. = 12.01 % water and
0.0739 gr. = 2.28 % carbonic acid had been evolved.

That the increase of weight in the calcium-chloride-tubes was mainly due to water, there could be no doubt, because large drops of water could be seen in the neck of the flask soon after the heating had commenced, which collected finally in the bulb of the calcium-chloride-tube. With the potash-bulb it was, however, different. The potash-lye got yellow and after conducting the experiment several hours, a reddish filamentous precipitate appeared in the lye. A volatile body of an acid character was consequently evolved by the ferric urushiate, and whether carbonic acid at all was formed, remains doubtful.

The total amount of oxygen entering into the reaction is equal to the sum of increase in the different apparatus = 17.48 %.

If we suppose that the ferric urushiate, notwithstanding its partial oxidation before it was put into the flask, was still a compound of 14 atoms carbon, its empirical formula would be represented by $C_{14} H_{18} O_{2.5} Fe_{\frac{1}{7.5}}$ with a molecular weight of 233.5 and the 17.5 % oxygen would be equal to 2.5 atoms, while the water formed would amount to 1.5 molecules.

The sample in the flask was taken out and at once analysed.

OXIDIZED FERRIC URUSHIATE.

	1	2	Mean.
Carbon =	67.80	67.57	67.79
Hydrogen =	7.70	7.49	7.59
Iron =	3.11	...	3.11
Oxygen =	...	...	21.51

C : H = 14 : 18.8
C : O = 14 : 3.33
Fe : C = 1 : 101.7

To this substance again no definite formula can be given. It is surprising that the percentage of hydrogen has not diminished, although much of it has gone away in the form of water. Either in this or in the former analysis the amount of hydrogen has been found too high. The fact that 17.5 % oxygen entered into reaction with the ferric urushiate and that about 60 % of it was found again in the water formed, is not altered by this mistake.

The oxidation of the ferric urushiate had not finished in these ten hours. We divided 1.2520 gr. of the sample heated for 10 hours between two boats which we placed in a glass-tube enclosed in an air bath and kept at 100-104° for 36 hours while a current of dry air was constantly passed through it. After that time there was an

increase in weight of sample	= 0.0348 gr. =	2.78 %
" " " "-calciumchloride-tube	= 0.2068 gr. =	16.52 "
" " " " potash-bulb	= 0.0752 gr. =	6.01 "
		25.31 %

The oxidized product which had assumed a colour nearly as red as ferric oxide had the following composition:

Carbon = 66.38
Hydrogen = 6.69

In this case 58.0 % of the oxygen formed water, but we could again find no clear relation between the composition of the ferric urushiate before and after the oxydation and the quantities of water and volatile matter given off.

We therefore made another experiment with another iron-salt, prepared in the same manner as the ferric urushiate No. III. Its composition was:

FERRIC URUSHIATE No. IV.

	1	2	Mean.
Carbon =	71.41	71.52	71.47
Hydrogen =	7.68	7.66	7.67
Iron =	2.30	...	2.30
Oxygen =	...	...	18.56

C : H = 14 : 18.03
C : O = 14 : 2.73
Fe : C = 1 : 144.9

It was put in a long tube and heated in a current of dry oxygen in an air-bath at 100-103° for 36 hours. There was an evolution of heat, the thermometer in the substance being always 1-2° higher than that in the air-bath, but this difference was only perceptible when the air-bath was at 100° or higher. The volatile products of the oxidation were again collected in calcium-chloride-tube and potash-bulb. Sample taken, 2.6820 gr.

Increase in weight of substance	= 3.06 %
" " " calciumchloride-tube	= 7.69 "
" " " potash-bulb	= 5.75 "
Oxygen taken up	= 16.50 %

41.4 % of the oxygen had formed water.

The composition of the oxidised ferric urushiate was:

	1	2	Mean.
Carbon =	66.58	66.85	66.72
Hydrogen =	6.78	6.73	6.75
Iron =	2.26	...	2.26
Oxygen =	...	...	24.27

C : H = 14 : 17.0
C : O = 14 : 3.82
Fe : C = 1 : 187.7

Taking into account the increase in weight (3.06 %) which the ferric urushiate suffers during the oxidation, the quantities of carbon, hydrogen and oxygen before and after the oxidation are the following:

	Before.	After the oxidation.		
Carbon =	71.47	68.76	2.71	Loss
Hydrogen =	7.67	6.96	0.71	Loss
Oxygen =	18.56	25.01	6.45	Increase
			3.03	Increase

The increase in the calcium-chloride-tube amounts to 7.69 %, corresponding to 0.85 % hydrogen, which nearly agrees with the loss of the substance. The oxygen is distributed thus:

Taken up by the substance	= 6.45 %
In the water formed	= 6.84 "
In the carbonic acid and volatile matter	= 3.21 "
	16.50 %

3.21 % oxygen require 1.20 % carbon to form carbon-dioxide. There remain consequently 1.51 % carbon unaccounted for, which is a new proof that the carbon partially goes away as a volatile matter which is not carbonic acid. The hydrogen lost by the substance is a little less than that found again in the calciumchloride-tubes, if the increase of the latter is taken as water only. It should be just the opposite, as the volatile matter of course also contains hydrogen. It is consequently proved that part of the volatile matter is condensed mechanically on the surface of the calciumchloride. A series of new experiments will be necessary to throw more light on this interesting reaction, especially to determine the quantities of the products formed, to decide the question

whether carbonic acid escapes with the volatile matter, to find the composition of the latter and to study the qualities of the oxidised urushic acid.

Derivatives of Urushic Acid.

Hexabromurushic Acid.

Urushic acid was dissolved in carbonbisulphide and an excess of bromine was added. Reaction set up at once, hydrobromic acid was evolved in large quantities, the solution darkened considerably and got warm at the beginning of the reaction but not so much so as to boil. After some hours we evaporated the solution on the water-bath until it had lost the smell of bromine. A very thick and dark brown paste remained which was dissolved in alcohol and filtered. Nothing, however, remained behind on the filter. After evaporation the substance was analysed and gave:

	Observed.	Calculated for $C_{14}H_{12}Br_6O_2$.
Bromine	69.87	69.30

It is consequently a bromine-substitution-product of the acid with the formula

$$C_{14}H_{12}Br_6O_2.$$

Chlorine also acts on urushic acid in alcoholic solution, forming yellow solid substances which we have not yet prepared sufficiently pure for analysis.

B-Urushic Acid.

Urushic acid, when boiled with strong hydrochloric acid for several days with frequent stirring, to effect a more intimate contact of the two acids gradually gets solid and darkens a little in colour. It shows phenomena similar to those exhibited by the substance obtained from alkali-urushiate on decomposition with boiling hydrochloric acid, being first pasty like warmed caoutchouc and gradually getting harder and harder. To expel the enclosed hydrochloric acid thoroughly we cut the pieces several times with scissors and dried them on the water-bath for many days. The substance was then insoluble in alcohol and ether and did not dissolve in alkalis. Its composition was:

	Observed.	Calculated for $C_{14}H_{18}O_2$.
Carbon	= 77.07	77.07
Hydrogen	= 8.77	8.26
Oxygen	= 14.16	14.68

C : H = 14 : 19.12
C : O = 14 : 1.93

Although the hydrogen is found a little too high there can be no doubt, that this substance has the composition of urushic acid. It is consequently a polymeric modification of the latter.

Action of Nitric Acid on Urushic Acid.

On heating urushic acid with concentrated nitric acid, a very violent action ensues. The substance swells up enormously and becomes a yellow spongy matter. At this stage of the reaction, care must be taken that the reaction does not get too violent or the substance will get charred.

After the reaction had lasted about 3 hours, the yellow substance was washed with water, (in which it seemed partly soluble, as the water got coloured,) and then dissolved in alcohol. On addition of aqueous ferric chloride solution a yellow amorphous precipitate insoluble in alcohol was obtained, and analysed after washing and drying.

	Observed.
Carbon	= 51.49
Hydrogen	= 4.82
Nitrogen dioxide	= 26.77
Iron	= 9.77
Oxygen	= 7.15

Carbon and nitrogen dioxide are in the relation of 14 : 2.08 and the relation of hydrogen and carbon agrees with the former, being 15.7 : 14. The yellow substance is therefore a

Dinitro Urushic Acid.

But the matter requires further confirmation, the iron being apparently found too high.

When the nitric acid is allowed to continue its action on the yellow substance, the latter gradually dissolves in the acid, until finally a clear red solution is obtained, This requires about five days and during the whole of this time red gases escape. After evaporating the solution on the water-bath to drive away the nitric acid as much as possible, it gives on standing light yellow minute crystals. To make the syrupy mother-liquor give another crystallization, it was again treated with strong nitric acid on the water-bath for a day. This operation was repeated, until no more crystals were obtained. The different crops of crystals were mixed and several times recrystallized from ether, which reduced their colour to a pale straw yellow.

Combustion of the substance gave:

		1	2	Mean	Calcul. for $C_{13}H_{22}O_8$
Carbon	=	50.96	50.82	50.89	50.98
Hydrogen	=	7.13	7.20	7.14	7.19
Oxygen	=			41.97	41.83

There is no water of crystallisation in the substance. It melts without decomposition to a dark yellow mobile liquid at a temperature of 135-6°. It does not contain any nitrogen. In alcohol, ether and water it is easily soluble, especially in alcohol. It is an acid, but not of a very strong character. Its lead and ferric-salts are obtained as orange-coloured crystalline precipitates which are a little soluble in water. The silver-and barium-salts are white, crystalline and sparingly soluble in water. The alkali and calcium-salts are yellow and dissolve easily in water.

The analysis of the silver salt gave:

		1	2	Mean	Calcul. for $C_{13}H_{18}Ag_4O_8$
Carbon	=	21.20	21.19	21.20	21.25
Hydrogen	=	2.39	2.59	2.49	2.45
Silver	=	58.86		58.86	58.85
Oxygen	=			17.65	17.44

The barium-salt had the composition:

		Observed.	Calcul. for $C_{13}H_{18}Ba_2O_8$
Carbon	=	27.02	27.08
Hydrogen	=	3.09	3.13
Barium	=	47.60	47.57
Oxygen	=	22.29	22.22

This new acid is consequently tetrabasic and represented by the formula

$$C_9H_{18}(COOH)_4.$$

No name can at present be given to it.

Fusion of Urushic Acid with Sodic Hydrate.

We introduced urushic acid in small portions at a time into fused sodic hydrate and stirred well. The mass boiled up very strongly. The temperature was raised until the danger of the substance catching fire was imminent and the heating continued for 2½-3 hours. The brownish black mass was dissolved in water, a black substance remained which was treated with alcohol in which it dissolved. To the solution which was now boiled, some hydrochloric acid was added which gave a slight precipitate of sodium chloride. Without removing the precipitate the solution was poured into water. A black amorphous precipitate separated out, which was collected on a filter and after thorough washing with hot water was dissolved in ether, of which a rather large quantity was required. The solution was filtered and evaporated. The substance obtained is after drying deep black, hard and lustrous, sparingly soluble in ether and alcohol and insoluble in water, alkali and dilute acids. By concentrated nitric acid it is attacked, but not so violently as urushic acid, although the same yellow sponge is formed.

The analysis gave:

		1	2	3	Mean	Calcul. for $C_{12}H_{18}O_2$
Carbon	=	74.50	74.32	74.36	74.39	74.23
Hydrogen	=	9.02	9.00	9.05	9.02	9.27
Oxygen	=	...	...	...	16.59	16.50

C : H = 12 : 17.46

C : O = 12 : 2.00

We repeated the analysis three times, because we doubted the result, but obtained always the same numbers. There is only one way to explain the formation of this body, namely:—

$$C_{14}\,H_{18}\,O_2 + 4\,H_2\,O = C_{12}\,H_{18}\,O_2 + 2\,CO_2 + 8\,H.$$

but it is difficult to believe that such a reaction should occur.

Another fusion was made at a little lower temperature, the time of heating and the way of purifying the product being the same. The black body obtained had the same qualities, but gave on analysis quite a different result.

	1	2	Mean	calcul. for $(C_{14}H_{18}O_4)_2\,O$.
Carbon	65.04	65.00	65.02	65.12
Hydrogen	6.94	7.06	7.00	6.98
Oxygen	...	...	27.98	27.90

$O : C = 9 : 27.88$

$O : H = 1 : 4.002$

The numbers observed and calculated agree very well together. The composition of this substance can be represented by

$$(C_{13}\,H_{15}\,(OH)_2\,COOH)_2\,O.$$

We intend to continue the study of the action of sodic hydrate on urushic acid at higher temperatures to verify the results hitherto obtained and with the hope to obtain substances with still fewer carbon-atoms.

Summary.

1. The raw lacquer juice is an emulsion which contains: (*a*) a peculiar acid, called urushic acid, (*b*) a gum, (*c*) a nitrogenous body, (*d*) water and (*e*) a volatile acid in traces. 2. The hardening of the lacquer-juice which takes place when the latter is exposed in a thin layer to moist air of (best) 20-27° C. is due to the oxidation of urushic acid into oxyurushic acid. 3. This oxidation is caused by the nitrogenous body, which is an albumenoid and acts as a ferment. 4. The oxidation is not accompanied by hydration. The water must be present only to keep the ferment in solution, which else would not act. 5. The oxidation takes place within narrow limits of temperature, ranging from about zero Centigrade to the temperature of coagulation of albumen. 6. The

gum seems to have a favourable influence in helping to keep the other substances in emulsion; but in the hardened lacquer its presence is injurious, causing it when in contact with water, to rise in blisters. 7. By mixture of the raw juice with urushic acid, the quantitity of gum present is diminished, and the dried lacquer is enabled better to resist the injurious influence of water, besides obtaining a greater transparency. 8. The admixture of more than five parts urushic acid with one part juice weakens the action of the ferment and so deteriorates the quality of the lacquer. 9. The gum is very similar to gum arabic, but gives a sugar with two-thirds only of the reducing power of arabinose. 10. The ferment has the composion of albumen, except that it contains much less nitrogen. 11. Diastose and the ferment in the saliva cannot replace the lacquer ferment.

DISCUSSION.

Dr. Divers, in congratulating the authors of the paper upon their successful inevstigations, remarked that in all probability the direct effect of their work would be the improvement of the lacquer process, which was peculiarly a Japanese art.

In answer to an enquiry by Mr. J. M. Dixon, Mr. Korschelt stated his belief that lacquer poisoning was due to the urushic acid, which only gradually disappeared during the hardening process. In the best lacquers and in old lacquer there was of course no urushic acid.

Mr. Yoshida mentioned that he had found sugar of lead the best antidote to the poisoning—washing the skin in this substance removing at once all irritation.

DEPARTMENT OF STATE
JUL 27 1886
RECEIVED

No 175.

United States Legation,
Tokio, Japan, June 21. 1886.

Mr Hubbard
To the Secretary of State.

Subject.
Treaty Revision

Synopsis.
Committee of Ministers appointed with authority to consult Merchants concerning certain questions connected with the Tariff.
"A Draft Convention submitted to and accepted by Count Inouye at the last session, in lieu of the Project

formerly presented by the Japanese Government concerning jurisdictional matters

No. 175.

United States Legation,
Tokio, Japan, June 21 1876.

Hon. T. F. Bayard,
Secretary of State,
Washington,

Sir,

When I had the honor to forward my dispatch no 173, I ventured to express the opinion that indications pointed at that time to a more favorable solution of the problem of the Revision of the Treaties, than at the earlier sessions.

On the question of the Tariff, as I informed you in my last dispatch, - no 173, the Foreign Ministers

ter ad valorem project (as known)
of 1882, has been agreed upon
by the Conference. The Japanese
Government receded from its "Re-
vised Tariff" project, presented
at the meeting of the present Con-
ference, so far as it included
and presented lists of "specific
duties" and "dutiable values" &c;
and consented that such articles of
import as said Revised Tariff
had presented for "specific duties"
&c, might be rearranged on the
basis of such mean dutiable val-
ues as had obtained at the Jap-
anese Custom houses for the pe-
riod of the last two years, and
to correspond thus checked off
with the ad valorem rates adopted

in

in the "Counter project" of 1882.
The Committee of Ministers to perform this work has been appointed, and the said Committee required to consult mercantile experts of the various nationalities. You will observe, in Protocol no 4, that I emphasized this last proposition by a formal resolution. This report on the dutiable values, and specific duty rates will, I've no doubt, beam equitable adjustment of said values, and our principal American exports of value to Japan will suffer no discriminations by this action.

British sugars (exported from Hong Kong and India) and

American

American Kerosene will pay an ad valorem duty of from ten to fifteen per cent higher than under the present (old) tariff.

Great Britain values her sugars so exported to Japan from her Eastern Colonies at about $4,000,000., and American Kerosene (in 1885) exported to Japan was valued at about $1,600,000. The proposed rate (ad valorem) on petroleum is 15 per cent; and on sugars an average of 20 to 22 per cent. The present rate, as your Department is aware, bring 5 per cent on all imported goods &c to Japan.

It is not yet definitely decided, but if the Conference agrees on the terms of a Tariff Convention, it will

not

not go into effect under two years from the exchange of ratifications, and subject so far as the United States is concerned to the action of the Senate, and approval of the President.

The cognate commercial subjects to be decided arising under the head of "Tradal Regulations"; "Bonded and Public Warehouse Regulations"; "Lighthouse and Tonnage Dues"; "Charter of Ships and Charter Regulations," &c, will, of course, be considered after the adoption of definite action on the "Revised Tariff," which now approaches a harmonious conclusion. Schedules of these propositions I have

already

already had the honor to transmit for your examination. They will be subject to the action of the joint Conference; but I apprehend no grave difficulties will interpose to prevent a common conclusion as to all matters pertaining to the commercial side of Treaty Revision.

While the actual sessions of the Conference have been heretofore devoted to the Tariff, and the necessary regulations to enforce and collect the same, the real question which has mostly interested Japan, and correspondingly the Treaty Powers, has been the "Jurisdictional Relations" of the said Treaty Powers with this Empire. In 1885, and

more

more recently, in 1886, I had the
honor to transmit to Your Depart-
ment, two several projects for a
Revised Convention, for your in-
formation and examination;
the first essentially differing
from the latter, as you have doubt-
less observed. With this first
Draft Convention of 1885 the Jap-
anese Government became dis-
satisfied; and after the informal
ex-parte Conference of the Repre-
sentatives of the Treaty Powers,
at the German Minister's, (then
Doyen of the Diplomatic Corps,)
and after a resume of their va-
rious objections to said Draft
made by the Ministers on that
occasion had been reported to

the

the Japanese Foreign Office,
nearly a year elapsed from that
Diplomatic Conference before another
(the present) Conference was invited
to assemble; during which interval a new Draft Convention and
new schedules relating to commercial and jurisdictional matters
were being prepared for submission.
On the first of May of the present
year these new projects were formally presented, as I have had
the honor heretofore to inform your
Department. From that day until the 15th instant (June) it became evident, looking to the discussions in, and more especially
outside of the Conference, that the
"draft Convention" schedule last

proposed

proposed, particularly relating to jurisdiction and the mutual Concessions outlined in said Draft, could not receive the unanimous support of all the Delegates of the Treaty Powers.

The United States Delegate, as his reported remarks on the Tariff in Protocol No. 4 indicate, (and as my uniform and courteous treatment of the same subject in Diplomatic circles likewise indicated) - while making all necessary reservations as to any possible discriminations against American exports &c in the Tariff project, and as to jurisdiction &c, always held an advanced, if not the most advanced, position

in

in favor of the early recognition of Japans National autonomy.
I saw the gauntlet of certain European Powers, who while not really anxious, in my opinion, for any early change of the present status as to extra-territorial jurisdiction, or to yield much towards admitting the right of Japan to increase her revenues by raising the present low tariff of 5 per cent ad valorem, to ten or fifteen per centum; yet at the same time were not willing to have this Country suppose that any of them were inimical to a large recognition of Japans advance in national intelligence, and capacity for self govern-
ment

ment. Thus you will observe that the Japanese Delegates were, so to speak, compelled to submit to a new revision of the "Specific duty" list, presented by Count Inouye, President of the Conference I opposed this action of the Powers earnestly; not because there were no points of objection to the entire Draft; but for the reason, as I stated in the Conference, it was on the whole just and equitable, and the Conference could perfect the Draft in their own body, instead of through a committee. My remarks on that occasion "drew the fire" of the Dutch, Belgian and German Delegates,

and

and especially of the two former, (see Protocol No 5) to which on the instant I replied, and I hope effectively, in your good judgment at least. The Minister of Foreign Affairs, and President of the Conference, so regarded it and took early occasion to make the declaration - though possibly his opinion was colord by an honest National pride. The friendly controversy between the British Minister, Sir Francis Plunkett, and myself, as you will observe, relates more to statistics than to matters of substance, and we lost nothing in that

encounter.

encounter.

Prior to the meeting of the 15th Instant (June) I had taken occasion to suggest to Count Inouye himself, and to others, that I did not think the Draft relating to Jurisdiction (and proposing a sort of probationary judicial system) would work well in practice, and I was sure would not reconcile the diverse opinions of the Delegates on such a proposition. I took especial pleasure also in referring to that clause of your Instructions No 56 wherein you expressed a preference for the "mixed Court" system after the order of the

"mixed

"mixed Court" system of Egypt.
I had on several occasions suggested to the British Minister, as well as to Count Inouye, that in the event of a failure of this Conference that I thought if such nations as Great Britain and the United States and Germany and France would unite in saying to Japan, that their Governments would enter into separate and independent Treaty Conventions with Japan, to revise present Treaties, it would be the "beginning of the end" of Treaty Revision, securing eventual independence to the Empire, and would morally force all the

the other nations to follow in their lead. The British Minister afterwards called on me at the U.S. Legation, and in a prolonged interview, presented to me the Project for a "Revised Convention," herewith enclosed, and asked my reading and careful examination and opinion of the same; with a view to its being offered to the Japanese Government as a substitute for the Project already before the Conference. It is in substance (and differs but little in form,) the same as the Project of 1882 for "mixed Courts", and a

Revised

Revised Convention, presented by Count Inouye, then as now, the President of the Treaty Conference. It was opposed in 1887 by Sir Harry Parks, then British Minister at Tokio, but earnestly approved by the then United States Minister at this Court. Sir Francis Plunkett recurred to these facts, and said to me that he had hesitated to present this Project of 1887, largely because of the attitude of his Government on the question at that date. But that he no longer hesitated, and expressed the opinion that it was the best mode of settling this harrassing question, and of securing

in

in reality, an eventual national independence for this people. From what he observed, at various times he knew of my opinions, and my Country's, on this and similar measures for the relief of Japan, he had not been slow to consult the U.S. Minister and to enlist his support of this measure, and his opinions as to the best ways and means of securing its success in the Conference. I unhesitatingly expressed my gratification at the proposition of a resubmission of the "Memorandum" of 1882, which contained in substance the proposed Project. Being

so

so invited, I advised the British Minister that as a matter of policy it was better, perhaps, to ask Count Inouye to present this Project directly, instead of through any Delegate, in which he concurred; but informed me that the Foreign Minister had already respectfully declined to do so, because of it's former defeat in 1882. I then expressed the desire and earnest hope that he (the British Minister) would be the peculiarly proper Delegate to offer this Project, because he represented one of the greatest Commercial Powers of the globe, and because it

would

would come with grateful effect from the successor of Sir Harry Parkes, who had possibly caused its defeat in 1882. He said for a similar reason he had asked the German Minister to join in the formal presentation of the measure. On the 15th instant (June) the enclosed Project was duly presented and accepted by Count Inouye, representing Japan, after a discussion (which gave hopefulness to Japan) as a substitute for the standing proposition then before the Conference.

By the next American mails I hope to have the honor to transmit

to

to you the printed Protocols of this session of the 15th June containing the full text and report of that most important day's work to all concerned.

From the tenor of this despatch you will form a correct idea, I hope, of the position taken by the United States Delegate on the occasion ——— of the presentation of this last Project. I am now carefully preparing, to be read at the next meeting of the Conference, a historical resume of the past position of our Government on all these questions, its present status, involving the spirit and letter of your instructions; which

I

I shall take pride in announcing; as well as the humble part your Representative has heretofore taken, as well as hereafter proposes to take, in these important measurs looking to the political autonomy of a people who deserve such recognition by the Treaty Powers.

I have the honor to be,
Sir,
Your Obedient Servant.
Richard D. Hubbard

Enclosures
1. "A Draft Convention" (two copies)

P.S. Have kept this despatch open until within a few hours

of

of the Closing of the mails — outgoing for the United States, in order, as expected, to enclose the printed Protocols up to and including the 6th. Have failed to receive them. Therefore enclose only the new proposed Project for a Revised Convention, and must defer forwarding the printed Protocols until next mail

Hubbard

Enclosure in Mr Stubbard's No 175.

Strictly Confidential

DRAFT CONVENTION.

DRAFT

CONVENTION.

Article I.

The Imperial Japanese Government agrees to open the whole Empire to foreigners within two years after ratification of this Treaty, and to place them on the same footing as natives in every respect, unless the present Treaty or subsequent Conventions, which may hereafter be agreed upon, should contain anything to the contrary.

..... subjects shall enjoy the right to travel freely in the Empire, to reside there, to carry on commerce and industry, and to acquire and hold real and personal property.

Article II.

The Imperial Japanese Government agrees to organize the constitution of the law courts of the Empire in accordance with Western principles and the provisions of this Convention, and to carry into effect the following codification by the time named in Article I.

These Codes are:—

1) Criminal Law.
2) Criminal Procedure.
3) Civil Law.
4) Commerce, Shipping, and the Law of Bills of Exchange.
5) Civil Procedure,
6) Precedure in the questions contained under N° 4.
7) Bankruptcy Laws.

Moreover the Police Laws and Regulations actually in force shall be, as far as possible, collected.

Article III.

The Imperial Japanese Government agrees to remit to the.....Government the authorized text, in the English language, of the constitution of the law courts and of the codification enumerated under Article II, not later than 6 months previous to the term fixed in Article I, namely 18 months subsequent to the ratification of the Treaty. In the same manner the Imperial Japanese Government agrees to bring to the knowledge of the.....Government all alterations intended in these Laws 6 months before they come into force.

Article IV.

From the time named in Article I, the .....Government will confine their Consular Jurisdiction to the Treaty Limits of Tokio, Yokohama, Kobe, Osaka, Nagasaki and Hakodate, and all..... subjects outside are subjected to the Japanese jurisdiction.

Article V.

In respect to the civil law suits in which ..... subjects outside the above named Treaty Limits take part as plaintiff or defendant, and in respect to the criminal offences with which..... subjects outside Treaty Limits may be charged, the following special stipulations shall come into force.

a) .....subjects shall have the privilege that their civil law suits, in which the amount involved, or the value of the object in dispute exceeds 100 yen shall at once be brought before the Courts of Second Instance.

b) The same rule shall apply in all cases where.....subjects are charged with a delict or crime.

c) In the cases under *a*) and *b*) the Court exercising jurisdiction shall be

composed in numerical majority of judges of foreign nationality.

The institution of such a civil action or the preliminary examination of such a criminal process shall be under the direction of a judge of foreign nationality.

d) The official language of these Courts, besides Japanese, shall be the English language.

e) In case courts with juries are introduced, the cases where ..... subjects are prosecuted shall be conducted with a jury composed of a majority of foreigners.

f) The trial must be conducted in public.

g) In every Superior Court, competent interpreters are to be provided.

h) Whenever a ..... subject is charged with a criminal offence he shall be provided with an advocate conversant with the language of the Court.

i) In such cases a foreigner appointed for this special purpose shall exercise the functions of public prosecutor.

k) Care shall also be taken that every Court shall be provided with competent advocates.

l) The subjects of capital charges and execution shall be reserved for special arrangements.

m) Special provisions for the confinement of foreign prisoners shall be made, and communicated to the.....Government at the same time as the Codes mentioned in Article II.

n) There shall be an appeal to the highest Court from all decisions given in pursuance of the above stipulations.

o) In respect to the composition of the Court (which decides upon the appeals), and as regards procedure, defence, public prosecution, etc., the stipulations made for the Courts of Second Instance shall be equally applicable.

p) From the decisions of the highest Court there shall be an appeal on ques-

tions of law to a special Court composed of judges of the highest Court. The stipulations with regard to Courts of Second Instance and Appeal shall be equally applicable to this special Court.

Article VI.

The Imperial Japanese Government shall appoint judges and public prosecutors of foreign nationality to the extent that may be agreed upon. The Japanese Government, however, binds itself to make choice only of such persons as have, in their own countries, acquired the qualification for judgeship.

Article VII.

Judges of foreign nationality shall be engaged for a fixed time, and shall be, during that time, irremovable, except upon the demand of a Disciplinary Court composed entirely of judges of foreign nationality.

Article VIII.

The system of judges of foreign nationality, the stipulations of which are, according to Articles II. III and V, to be communicated to the.....Government with the Codes mentioned above, shall remain in force for a period of 15 years. Every previous alteration of this system is dependent on the consent of the .....Government.

Article IX.

The.....Consular Jurisdiction shall still remain in force for the period of 3 years from the time that this agreement enters into operation, but such Japanese Police and Administrative Laws, as shall have been agreed upon, shall in the meantime be enforced by the..... Consular Courts.

Article X.

The.....Consular Courts shall remain competent for.....subjects in questions of personal status.

Article XI.

In case.....subjects should desire to make use of the rights granted by this Convention even before the same enters into operation, they may do so, provided they submit themselves to Japanese Civil Jurisdiction.

Article XII.

This Convention shall remain in force for 17 years from the date of its ratification, and with reference to its denunciation, shall be governed by Article..... of the Commercial Convention of this date.

Strictly Confidential

DRAFT CONVENTION.

DRAFT

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e) In case courts with juries are introduced, the cases where ..... subjects are prosecuted shall be conducted with a jury composed of a majority of foreigners.

f) The trial must be conducted in public.

g) In every Superior Court, competent interpreters are to be provided.

h) Whenever a ..... subject is charged with a criminal offence he shall be provided with an advocate conversant with the language of the Court.

i) In such cases a foreigner appointed for this special purpose shall exercise the functions of public prosecutor.

k) Care shall also be taken that every Court shall be provided with competent advocates.

l) The subjects of capital charges and execution shall be reserved for special arrangements.

m) Special provisions for the confinement of foreign prisoners shall be made, and communicated to the.....Government at the same time as the Codes mentioned in Article II.

n) There shall be an appeal to the highest Court from all decisions given in pursuance of the above stipulations.

o) In respect to the composition of the Court (which decides upon the appeals), and as regards procedure, defence, public prosecution, etc., the stipulations made for the Courts of Second Instance shall be equally applicable.

p) From the decisions of the highest Court there shall be an appeal on ques-

tions of law to a special Court composed of judges of the highest Court. The stipulations with regard to Courts of Second Instance and Appeal shall be equally applicable to this special Court.

Article VI.

The Imperial Japanese Government shall appoint judges and public prosecutors of foreign nationality to the extent that may be agreed upon. The Japanese Government, however, binds itself to make choice only of such persons as have, in their own countries, acquired the qualification for judgeship.

Article VII.

Judges of foreign nationality shall be engaged for a fixed time, and shall be, during that time, irremovable, except upon the demand of a Disciplinary Court composed entirely of judges of foreign nationality.

Article VIII.

The system of judges of foreign nationality, the stipulations of which are, according to Articles II. III and V, to be communicated to the.....Government with the Codes mentioned above, shall remain in force for a period of 15 years. Every previous alteration of this system is dependent on the consent of the .....Government.

Article IX.

The.....Consular Jurisdiction shall still remain in force for the period of 3 years from the time that this agreement enters into operation, but such Japanese Police and Administrative Laws, as shall have been agreed upon, shall in the meantime be enforced by the..... Consular Courts.

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Article XI.

In case.....subjects should desire to make use of the rights granted by this Convention even before the same enters into operation, they may do so, provided they submit themselves to Japanese Civil Jurisdiction.

Article XII.

This Convention shall remain in force for 17 years from the date of its ratification, and with reference to its denunciation, shall be governed by Article..... of the Commercial Convention of this date.

file

DEPARTMENT OF STATE
JUL 27 1886
RECEIVED.

No 176.

United States Legation

Tokio, Japan, June 21. 1886.

Mr Hubbard

To the Secretary of State

Subject:

Acknowledge receipt of instructions

No 176.

United States Legation
Tokio, Japan, June 21. 1886

Hon T. F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to acknowledge receipt of your instructions numbered respectively 62, 63, 64, 65, 66 67, 68 and 69.

I have the honor to be,
Sir,
Your Obedient Servant
Richard B. Hubbard

file

DEPARTMENT OF STATE
JUL 27 1886
RECEIVED.

3rd ASSISTANT SECRETARY.
Ack by No. + file
AUG 2 1886

Mr Lovett
2

No 177.

United States Legation,
Tokio, Japan, June 21. 1886.

Mr Hubbard
To the Secretary of State,

Subject:
Medals and Money for Japanese who aided sailors of the "Cashmire"

Synopsis:
The two medals and the money, with blank receipts for signature, have been delivered to Foreign Minister, Count Inouye, for transmission to parties for whom intended.

No 177.

United States Legation,

Tokio, Japan, June 21. 1886.

Hon T. F. Bayard,

Secretary of State,

Washington,

Sir,

I have the honor to acknowledge receipt of your instruction No. 68, with two accompanying Life Saving gold medals, to be presented to the Japanese subjects whose names are engraved thereon; and also accompanying authority to draw on the Secretary of State of the United States for fifty dollars, to be likewise presented, in sums

of

of twenty five dollars, to each of said parties, (with blank receipts to be signed by them) in addition to the said medals; and all because of their humane and courageous services rendered to the crew of the American Bark, "Cashmere", on the 20th Sept/1883.

In compliance, therefore, with your directions, I have caused the said medals and money and blank receipts to be delivered to His Excellency, Count Inouye, and requested his kind offices in carrying out the object of our government in the premises. I have the honor, herewith, to enclose copy of my

note

note to the Japanese Foreign Minister making this request.

I have the honor to be,
Sir,
Your Obdient Servant
Richard B. Hubbard

Enclosure:
Mr Hubbard to Count Inouye,
of June 21 1886.

Enclosure No: With Mr Hubbards 177.

Copy.

No 119. United States Legation,

Tokio, June 21, 1886,

His Excellency,

Count Inouye Kaoru,

H.I.J.M's. Minister for Foreign Affairs,

Sir,

Your Excellency will recall the fact that I sought occasion, heretofore, to express the gratification of my Government, on account of the humane services rendered by certain Japanese subjects, in rescuing the crew of the American bark, "Cashmere", on the 20th Sept 1885.

Having ascertained, through the United States Consul at Osaka and Hiogo, that Inatsubo Heiyemon and Furuta Sadakichi were the two Japanese subjects who chiefly rendered these humane and praiseworthy services toward my countrymen, my Government directs me to ask that your

Excellency

Excellency will receive and cause to be delivered to each of said above named subjects, the accompanying "Life Saving Gold medals" (on each of which their respective names, with suitable acknowledgements is engraved) and will also please receive and deliver to each of said subjects the accompanying sum of Twenty five dollars, in addition to said medals.

I beg that Your Excellency will cause to be transmitted to each of the said parties (named on the medals) that said medals and monies are presented in grateful recognition by my Government of their courageous and noble services rendered to the shipwrecked American seamen of the "Oshmere" on the 20th September 1885.

I have the honor, the better

to

to enable Your Excellency to ascertain the whereabouts of these parties, to enclose, herewith, a copy of the official communication of Mr Utsumi Tadakatsu, Rei of Hiogo Ken, giving names to the U.S. Vice Consul in response to his enquiries made under instructions of our Government.

I also enclose two receipts which I will be obliged if Your Excellency will request the parties to sign, and when signed, will request your Excellency to return them to me, for transmission to my Government.

I avail myself of this occasion to renew to Your Excellency the assurances of my highest consideration

(Sgd) Richard B. Hubbard.

Accompaniments: 1 Two gold medals

2: Fifty dollars.

Enclosures:

1: The Rei of Hiogo Ken to the U. S. Consul at Hiogo and Osaka of 25th March.

2: Two Receipts for signature.

file

DEPARTMENT OF STATE
JUL 27 1886
RECEIVED

No 178.

United States Legation,
Tokio, Japan, June 22, 1886.

Mr. Hubbard

To the Secretary of State

Subject:

Acknowledge receipt of account blanks.

No. 178.

United States Legation,
Tokio, Japan, June 22. 1886.

Hon. T. F. Bayard,
Secretary of State,
Washington.

Sir.

I have the honor to acknowledge receipt of a supply of account blanks for "Loss by Exchange", "Salary" and "Contingent Expenses", and also draft blanks in Department of State; sent in answer to my request contained in my despatch No 142.

I have the honor to be,
Sir,
Your Obedient Servant,
Richard B. Hubbard

DEPARTMENT OF STATE
JUL 27 1886
RECEIVED

3RD ASSISTANT SECRETARY.
AUG 2 1886

Approve. Such a work is indispensable.
Buy it out of contingent fund of legn.
Aug 3 86.

Mr Lovett
2

No. 179.

Aug 3 86. Cutler

United States Legation,

Tokio, Japan, June 23. 1886.

Mr Hubbard

To the Secretary of State.

Subject:

"Hepburns Dictionary". Request for authority to purchase copy of the new edition.

No 179.

United States Legation

Tokio, Japan, June 23, 1886.

Hon T. F. Bayard,

Secretary of State,

Washington,

Sir,

I have the honor to invite your consideration of the enclosed letter addressed to me officially by the Interpreter of this Legation.

I would not hesitate to purchase the book referred to, and to pay therefor out of the "Contingent fund", but for the fact, that while — in my opinion such a purchase comes possibly

ly within the spirit and intention of that appropriation, — the letter of the Instructions from the State Department governing its distribution might not authorize said purchase. I express the wish that you may find it proper to have me purchase said book for the use of the Interpreters of this Legation, and to remain for that purpose in the Legation Library.

I have the honor to be,

Sir,

Your Obedient Servant

Richard B. Hubbard

Enclosure,

Dr W. N. Whitney Interpreter of Legation to Mr Hubbard of June 22.

Enclosure to Mr Hubbards No 179

United States Legation
Tokio Japan June 22nd 1886.

Hon. Richard B. Hubbard
Envoy Extraordinary and Minister
Plenipotentiary of the U.S.A.

Sir

I have the honor to request for the use of this Legation and for myself as its Interpreter, permission to purchase one copy of the third Edition of Hepburn's Japanese-English and English Japanese Dictionary, which I am informed will shortly be issued. Price between $5-$6. The second edition of this valuable work was published in 1872, since which time many new terms have come into use, and a dictionary containing them has become a necessity, and is very much needed in this Office to insure the

accurate rendering into English
of Japanese documents which I am
constantly required to translate.

I have the honor to be

Sir,

Your obedient servant

W. N. Whitney

Interpreter

DEPARTMENT OF STATE
JUL 27 1886
RECEIVED

No 180.

United States Legation
Tokio Japan, June 24, 1886

Mr Hubbard
To the Secretary of State

Subject:
Statement of account for official telegrams.

F.M.

No 180. United States Legation

Tokio Japan, June 24th 1886

Hon. Thomas F. Bayard

Secretary of State

Washington D.C.

Sir.

I have the honor to enclose herewith my statement of account for official telegrams, from April 1st, 1886 to June 24th 1886.

I have the honor to be

Sir

Your obedient servant

Richard B. Hubbard

Enclosure.

Account for telegram with voucher.

DEPARTMENT OF STATE
JUL 27 1886
RECEIVED.

Mr Everett
2

No 181.

United States Legation,
Tokio, Japan, June 11. 86

ASSISTANT SECRETARY.
AUG 2 1886

Mr Hubbard
To the Secretary of State.

Subject:
Request permission to buy articles of furniture for use of Legation

No 181.

United States Legation,
Tokio, Japan, June 26, 1886.

Hon. T. F. Bayard,
Secretary of State,
Washington,

Sir,

In compliance with the requirements of the "Personal Instructions to the Diplomatic Agents of the United States in Foreign Countries", Article 207, under the head of "Furniture", I have the honor, herewith, to enclose a communication from the first and second Secretaries and Interpreter of this Legation, presenting reasons why

they

they ask for the purchase of certain furniture for the office occupied by them.

I earnestly recommend that their request may be granted. The articles are necessary -, if not indispensible, and should be supplied at an early day.

I desire also to state, that the office occupied by the U.S. Minister needs two articles of furniture, with which it has never been supplied, namely:

One Sofa, leather covering and cushioned, estimated cost, twenty five dollars, and one large revolving office chair, estimated to cost twelve dollars.

The

The items of furniture as stated by the Secretaries Memorandum, and those last given by myself, have been long needed and come clearly within the intent of the Instruction no 207, to which I have had the honor to respectfully call your attention. The petition of the Secretaries asks me to purchase the chairs, desks &c mentioned, with "Contingent fund" of the Legation; but I think in meritorious cases like those presented the Government does not contemplate that the "Contingent fund" should be taxed for original purchase of furniture for the use of Legation, but that

when

when the authority shall be obtained for their purchase, with estimates as to cost and specifications &c, that the same may be paid for directly by the Government, supported by proper vouchers.

I wish that the authority may be granted, in any event, even if you shall order the purchase money to be taken from the "Contingent fund."

I have the honor to be,

Sir,

Your Obedient Servant

Richard B. Hubbard

Enclosures

Secretaries' and Interpreter of Legation to the U. S. Minister of June 2d 1886.

2. List of Furniture needed certified to by the U. S. Minister.

Enclosure with Mr Hubbards 181

Copy

United States Legation,
Tokio, Japan, June 24. 1886

His Excellency
Richard. B. Hubbard
Envoy Extraordinary and Minister Plenipotentiary of the United States
Sir,

We have the honor to invite your attention to the fact, that there is much needed in the Secretaries office of this Legation, one desk and set of pigeon holes combined, the cost of which complete will not exceed twenty five dollars. So great is the need of this piece of furniture for the proper preservation of the records and archives and storage of stationary &c &c. that it has become, as you are already aware, an absolute necessity. This office, to make it neatly and comfortably

& neatly
ably furnished also is need
of the following articles which
have never been supplied, to wit:
3 revolving Office Chairs est. cost $30.00
Curtains " " $ 12.00
One Sofa " " $ 25.00

We earnestly hope
that in your good judgement
you will give us the necessary
authority to purchase same,
as you already are aware of the
great need of them, and that
they may be paid for out of the
Contingent fund allowed by the
Department of State for the use
of this Legation.

We have the honor to be,
Sir,
Your Obedient Servants,
(Signed) F. J. Mansfield, Secretary of Legation,
signed Edwin Dunn Second Secretary of Legation,
(Signed) W. R. Whitney Interpreter of Legation.

Enclosure No 2
with Mr Hubbards 18th

United States Legation
Tokio, Japan June 24 1886

List of furniture needed at the
U.S. Legation Tokio.

For Secretaries' Office,
One Desk and pigeon holes com-
bined estimated Cost $25.00
Three Office Chairs at Cost $30.00
One Sofa " $25.00
Curtains " $12.00

For Ministers Office,
One revolving office Chair Estd $12.00
One Sofa " 25.00

I Certify that the foregoing
articles of Furniture estimated
to Cost $104.00 are necessary
for the use of the Legation offices.

Richard B. Hubbard

Mr Everett to Mr Ford

DEPARTMENT OF STATE
JUL 27 1886
RECEIVED.

July 31/86

No 182.

United States Legation,
Tokio, Japan, June 24. 1886

Mr Hubbard
To the Secretary of State

Subject.
Transmitting translations concerning the manufacture of tofu or Japanese bean curd.

Copied for publication
F.

No 182.

United States Legation,
Tokio, Japan, June 24. 1886

Hon T. F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to transmit herewith a translation by Dr W. N. Whitney, Interpreter to this Legation, of an article on the manufacture of Tofu or Japanese bean curd, published by the Educational Museum at Tokio. The use of this bean, the Soja hispida or Glicine hispida in the manufacture of so nutritious an article of diet

the

the nearest approach, as it is stated, in its chemical constituents to animal food among known vegetable foods, seems to me one to which attention should be called, with the view of introducing it upon our tables.

I have the honor to be,
Sir,
Your Obedient Servant
Richard B. Hubbard

Enclosure As above

Enclosure No 1 with Mrs Hubbards No. 182.

The manufacture of Tōfu or Japanese

Bean-Curd

Translated from "The Manufactures of Japan", in popular form" issued by the Educational Museums at Tōkyō

Tō fu, or bean curd was first used in China according to the Statements of Chinese authorities in the reign of Wai-ran-wo of the Han dynasty B.C. 206 to A.D. 25.

In Japan the record of its use, only dates back to the third decade of the XII^th^ Century, mention being made of it in the works called Yei-kin-wo-rai and Isei-tei-kin-wo-rai, edited by Kitabatake Doni, and previous to which times we do not find any reference whatever to tōfu or the

bean

bean from which it is made, the Soja hispida

Method of preparation.

The yellowish-white beans are soaked in water for twenty four hours, or a night and a day, when they are poured into a stone mill (figure 1) and ground. As the quality of the product of manufacture is largely dependent upon the purity of the water used, it is necessary that the purest water obtainable should be employed. The beans having first been pounded are mixed with an equal quantity of water in the oblong tub, fig. 2, and gradually poured into the orifice in the upper stone of the mill, with the copper dipper shown in figure no. 18. This mill resting upon within a shallow less

tub

Some eight or ten inches in height, upon the narrow wooden stand shewn in figures 5 and 6 is rotated by means of the handle rod or handle which has one end inserted into a socket in the upper millstone and the other passing freely through a piece of wood above as shewn in figure 6 The thin pulp of ground beans and water as it flows from between the stones of the mill is directed into a tub beneath, No. 4, and kept from running along the horizontal bars of the table, by the perpendicular sides of the bottomless tub, No. 3, which surrounds the mill.

The pulp which is collected in the under tub, No 4, is put into an iron pot and heated over a wood fire

fire until it begins to boil, which stage is indicated by the appearance of bubbles or foam upon the surface. One or two gills of cold water are then poured around the edge of the pot inside, and as soon as the foam has subsided the pot is covered and a second boiling takes place; cold water is then again poured in and the contents allowed to stand. In stirring and mixing the pulp in the pot, a kind of whip made of split bamboo and coated with thickened oil dregs is employed (fig. 8). The pulp is then dipped out of the pot with a ladle (fig 7) of bamboo, into a grass cloth bag (fig 9), to prevent it running over the sides of which, a kind of wooden trough (fig 10) is used.

Several

Several dipperfulls of water are then poured into the bag, the mouth of which is tied up and the whole laid upon a mat of sticks (fig 11), and over a linen cloth stretched over the top of a shallow tub, as shewn in figure 12. Pressure is then brought to bear upon the bag by means of the round wooden stick used as a simple lever and as shewn in figure 13, The liquor which oozes out, filters through the cloth laid over the top of the shallow tub, into that vessel beneath. Should the quantity of pulp ground up be large, several bags will be necessary; or, one bag may be re-filled several times. The contents of the tub, being the liquor expressed from the

the grass cloth bag containing pulp, is then stirred up with about a gill of brine poured in with a little bamboo ladle, and the cloth cover replaced. The cloth is again removed after the elapse of a few minutes to allow for the brine to thoroughly mix, and 2 gills more of brine are poured in, and a few minutes later still another portion of two or three gills, a little at a time.

[Note. The brine used is obtained by deliquescence, and precipitates the vegetable legumen contained in the liquor expressed from the pulp. Tr.]

Whenever coagulation begins takes place in the filtered liquor in the tub, a shallow bamboo basket (fig. 14) containing a stone to keep it down, is twice

trickled down into the liquor, and the water which runs into the basket is removed. When Coagulation is complete, the hamden basket is inverted and the tub tilted to one side, to allow the water to drain off through the meshes of the basket.

The next step is to transfer the Coagulum from the tub to the rectangular forming box, which is accomplished in the following manner; a wooden frame fig. 16, which just covers the edges of the forming box, is placed in position upon the open top of this box, which it should be stated 1.8' long 0.62' wide and 1' deep inside, and a large cross shaped piece of linen having four flaps (fig 17) is let down into the box through the orifice of the frame, and allowing the four flaps to hang

over

the sides of the frame and box. The coagulated substance is ladled into the box until it is full even with the top of the frame, a ~~bamboo~~ mat made of split pieces of wood bound together with string (fig 19) and which just fits the orifice of the frame and box, is placed upon the coagulum within them, and the wooden cover, fig 20, is placed then upon the whole. The cover consists of one flat piece of wood fitting the frame and provided with two flat pieces of wood stood upon the narrow sides, crosswise, and upon them, two narrow strips of wood running longitudinally with the cover itself and across the flat pieces bearing upon them a heavy stone (fig 21). There are also four short pieces of wood (marked A, B and C.D. in the plate) which

which placed across the ends of the forming box, engage the longitudinal bars of the cover as they come down underneath the weight of the stone upon them, the water thus expressed flowing through the lining cloth and out of the holes perforations in the sides and bottom of the forming box.

The relations of the cross pieces and the longitudinal bars with each other are such that the pressure of the stone upon the cover is relieved by the side blocks A. B & C, D whenever the level of the top in the forming box sinks to that of the top of the box. The box with its contents are then placed in a large trough of cold water. After standing a little while

to

to allow the tofu to cool, the box having been inverted is removed leaving the coagulum behind. After taking off the cloth filter, the tofu, which has assumed by this time the consistency of a cooked omelet, is cut up with a broad bladed brass knife (fig 22) into thickish slabs of about 4" x 6" x 1½" in size.

The quantity of water and brine used in the preparation of ~~the~~ tofu should be in the proportion of 15 Sho (1 Sho = 109.72 Cu. in. = about 1qt, 7fl oz and ½ gill of imperial measure) of water, 2½ Sho of brine to 4.5 Sho of the beans.

Preparation of Tofu for the table.

Tofu may be prepared in many ways for the table, such as by frying or roasting or making into soup; it may also

be scrambled or made into croquette. When fried toasted or scrambled, it has very much the taste of sweet-bread, and when saturated with Japanese soy is not unlike that dish in appearance and consistency, When used in soup it is cut up into little squares. There are several books in Japanese treating of this subject, such as the Tō-fu-zoku-hyaku Chin, or the hundred curiosities in Tofu.

Tofu and the residuum in its manufacture are used for various other purposes, such as in the imitation of tsuye shu, a kind of vermilion. For this purpose tofu from which the water has been expressed, is mixed with a kind of red lacquer, with a spatula, and thoroughly kneaded. This resulting

paste

paste is laid upon the articles to be manufactured, and after drying, it may be carved or engraved upon.

The warm water in which the beans are first boiled is used to extract grease from clothing, and to cleanse the mats used upon the floors of Japanese houses and also for washing the ceilings, for which purposes it has no equal.

The pulp remaing in the grass cloth after the vegetable Caesin has been expressed is used by the Japanese women as a substitute for soap in washing the hair. It is also used when mixed with finely chopped straw as a food for horses and cattle. and sometimes as manure

[Note. The following description of the Chemical Constituents of the Soy bean and tōfu made from it are taken from Prof. Kuch's article upon the "Agricultural Chemistry of Japan, Asiatic Society Transactions Vol VIII, page 398. and will help to render the foregoing translation more useful to U.U.W.]

"The soy bean, is sometimes called Japan
"pea, Glycine hispida (Moench), also
"known as Soja hispida. There are
"many varieties of different Colour
"and size, etc, but as far as is known,
"they differ but little in composition,
"They are known collectively as Daidzu
"or Ō mame; a common white round
"variety is known as Miso-mame and
"Shiro-mame, other names of varieties
are

"are Awo-mame, Kuro-mame, Ki-mame
"Ichija-mame, Kurakake-mame and
"Koriniza

"This bean approaches more nearly
"in its proximate chemical compo-
"sition to animal food than any
"other vegetable known. It contains
"about one fifth of its weight of fat
"and nearly two fifths of nitrogenous
"matter. It is extensively cultivated
"in the North of China and also grows
"in the Himalayas. In China it is
"compressed for the sake of its oil,
"and the residual cake is used for
"food and also extensively as a
"manure. In Japan it is used
"in the preparation of Shoyu and
"Miso (sauces) and Tofu and also
"of Yuba, and in these various

"forms

"forms enters to a considerable extent
"into the food of the nation, to which
"it is a most valuable contribution,
"supplying as it does the alimentary
"principles - albuminoids and fats -
"in which the staple food, rice, is
"deficient; it also contains a much
"larger percentage of the necessary
"mineral matters than does rice. Of
"late years this bean has been grown
"experimentally in different parts of
"Germany, with success. The haulm
"and leaves furnish a valuable
"fodder, and a variety is cultivated
"specially for that purpose and
"known as Kari-mame.

"The composition of the white round
"variety known as Miso mame was
"found of a sample to be -

Water

" Water 11.32

" Ash 3.86

" Fat 20.89

" Albuminoids 37.75

" Fibre 2.00

" Starch, etc., ... 24.08

100.00.

" The composition of Indian, Chinese and
" German specimens has been found to
" differ but little from this alone;
" in them the fat varied from 15.8
" to 21 % and the albuminoids from
" 30.6 to 39 %.
" The composition of tofu made from these
" beans has been found from examination
" to be as follows:

" Water 89.29

" Ash .48

" Fat 3.32

" Nitrogenous

" Nitrogenous matter - - - 4.87

" Soluble Carbo-hydrates 2.04

100.00

" There is a kind of tofu called Kōri-dōfu
" prepared from ordinary tofu by freezing
" it and afterwards exposing to the
" sun, when in the process of thawing,
" the greater quantity of the water is
" removed, leaving a horny spongy
" residue.

" This tofu contains according to Prof. Kinch

" Water - - - - - - - 18.75

" Ash 1.60

" Fat 28.80

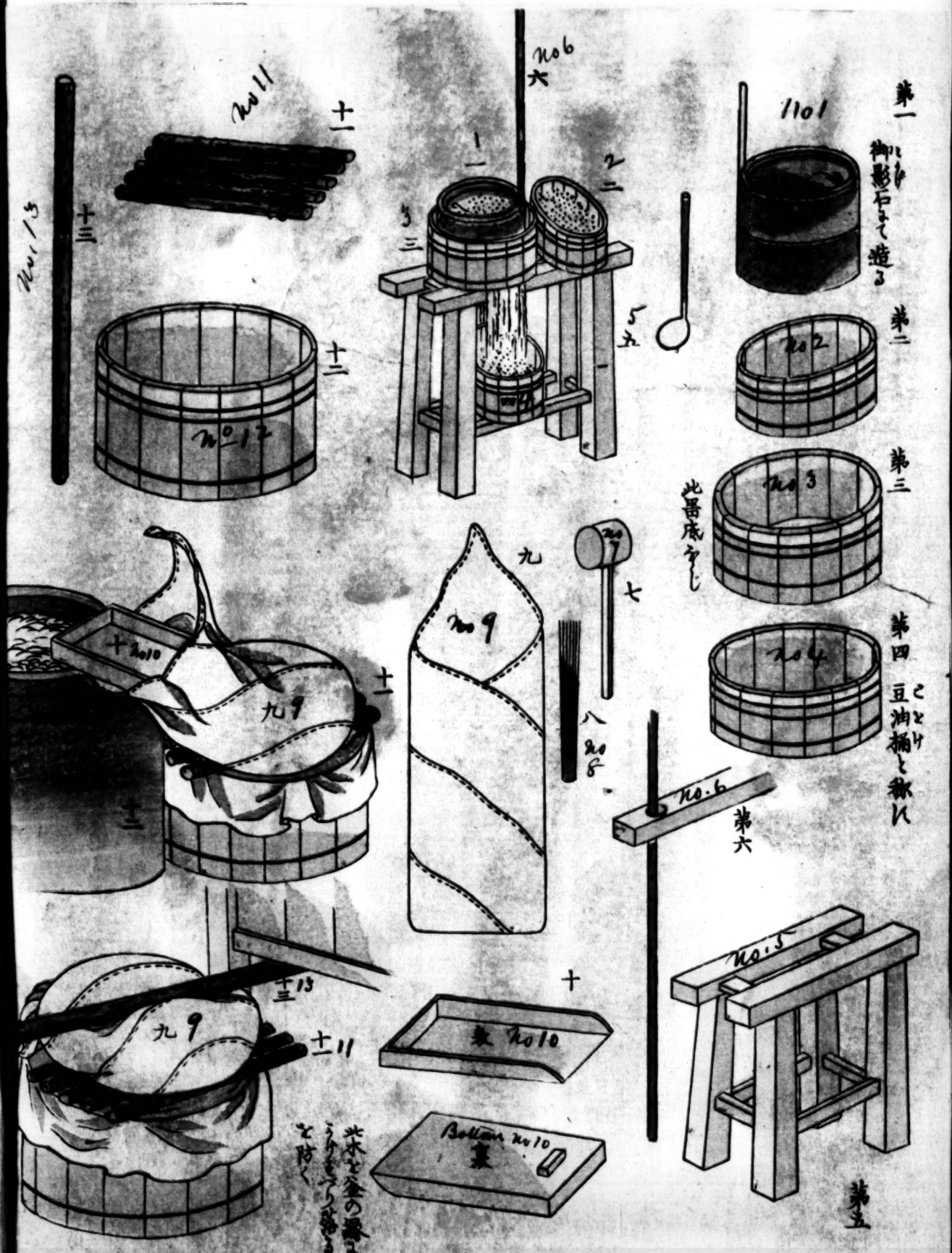
" Nitrogenous matter - - - - - 48.80

" Soluable Carbohydrates - - 2.05

100.00.

W. H. Whitney

U.S. Interpreter of Legation.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第四
とどり豆油桶と称ス
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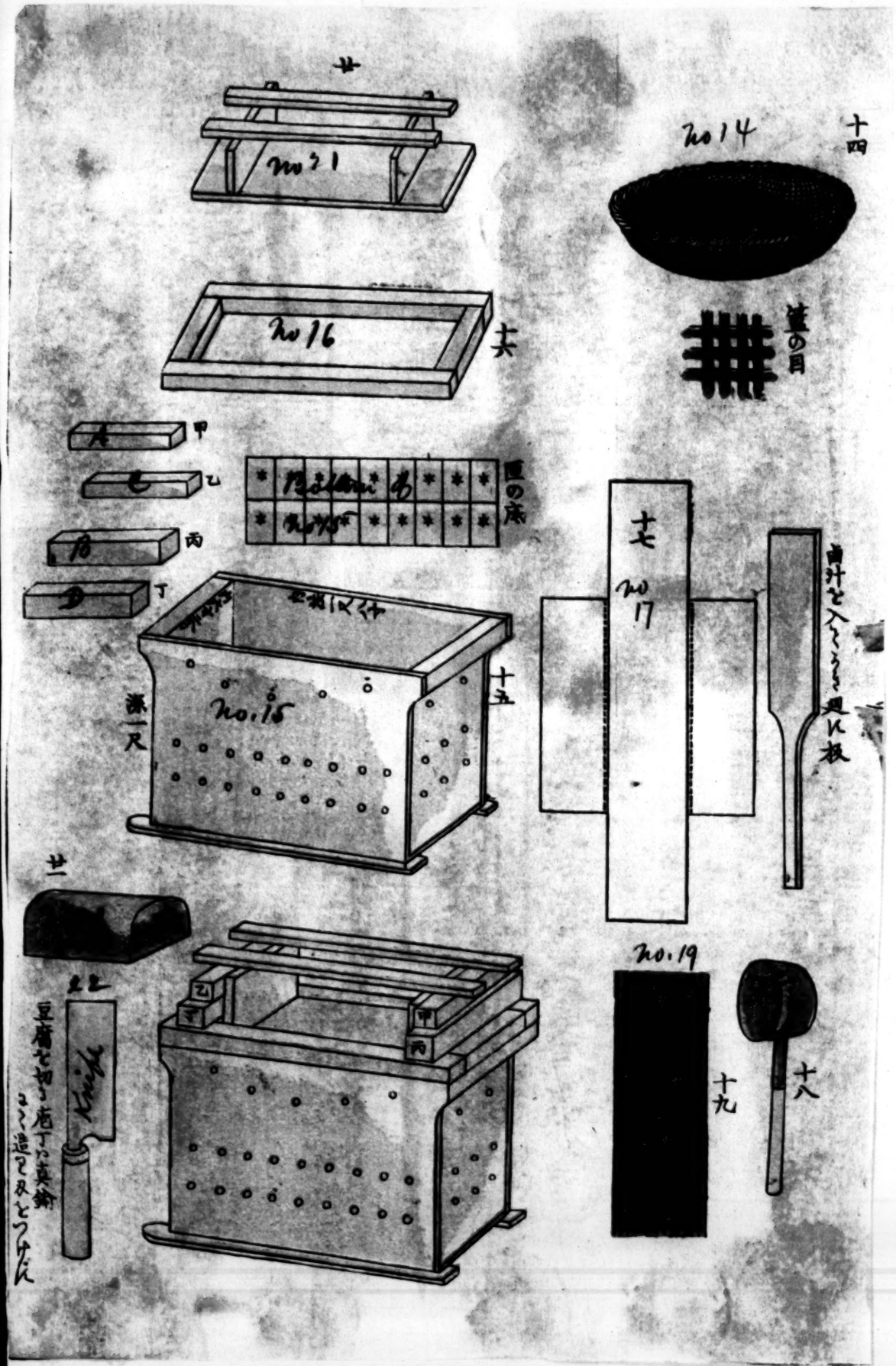
水を入る時はうかびさわぐを防ぐ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To Navy

Dept Bur
4

DEPARTMENT OF STATE
AUG 4 1886
RECEIVED.

✓To Navy Dept. & Cons. Circular
✓To Navy Dept. & Aug 5, 86
Cir'd

No 183.

United States Legation,
Tokio, Japan, July 6. 1886

Mr Hubbard
to the Secretary of State

Subject:
Transmitting "Notice to Mariners"

No. 183.

United States Legation,
Tokio, Japan, July 6 1886.

Hon T. F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to transmit, herewith, for your information, and for the information of the Secretary of the Navy, four copies of "Notification No 67 of Department of Communications", of the Japanese Government, being "Notice to Mariners" (No 3) respecting the "Yoshkaichi Light".

I have the honor to be,
Sir,

Your

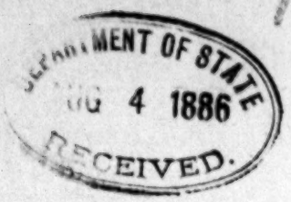
Your Obedient Servant

Richard B. Hubbard

Enclosures: Four copies as above

Transmit to Trades Bureau

Dispatch 4



Forwarded with Circulars
Aug 5, 86
No. 784.

United States Legation,
Tokio, Japan, July 6, 1886.

Mr Hubbard
To the Secretary of State,

Subject:
Transmitting "Monthly Summaries and Monthly Means for the Year 1885"

No 184.

United States Legation,
Tokio, Japan, July 6, 1886.

Hon. T. F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to transmit, herewith, for the information of the appropriate department of the United States Government, one copy of "Monthly Summaries and Monthly Means for the Year 1885, with 42 Maps"; published by the "Imperial Meteorological Observatory" of Tokio.

I have the honor to be,

Sir,

Sir,

Your Obedient Servant,

Richard B. Hubbard

Enclosure: As above.

Notes. aug 6/1886. Ans Ltr

3RD ASSISTANT SECRETARY.
AUG 4 1886

DEPARTMENT OF STATE
AUG 4 1886
RECEIVED.

Wm Everett

No 185

United States Legation,
Tokio, Japan, July 8. 1886

Mr. Hubbard
To the Secretary of State.

Subject:
General Saigo, H.I.J.M.'s Minister of the Navy, will visit America.

No. 185.

United States Legation,
Tokio, Japan, July 8. 1886.

Hon. T. F. Bayard,
Secretary of State,
Washington

Sir,

By the steamer which carries this despatch, Lieut. General Count Saigo, His Imperial Japanese Majesty's Minister of the Navy, sails for the United States.

I have handed to the Minister a letter of introduction to the President, to yourself and to the Secretary of the Navy. General Saigo is one

one of the most distinguished soldiers of the struggles incident to the "Restoration" of the present Emperor, and is besides eminent as a civilian in his own country. He visits, at the instance of his Government, (with his staff,) the United States first, and afterwards Europe, to familiarize himself with their Naval affairs. General Saigo will be accompanied by the following staff:

Captain, Y. Shibayama,
Artillery Engineer, S. Harada.
Lieutenant, R. Funaki, A.D.C. to the Minister.

Lieutenant

Lieutenant, K. Yoshii.
Lieutenant, M. Hidaka.
Paymaster, S. Kataoka.

General Saigo may tarry awhile in San Francisco and elsewhere en route to Washington, and bring a prominent member of the present Cabinet of the Empire, I have deemed it appropriate to announce to the State Department his coming, in advance.

I have the honor to be,

Sir,

Your Obedient Servant,

Richard B. Hubbard

UNITED STATES LEGATION.

Secretary of State.
AUG 14 1886

Tokio, Japan, July 8 1886

The Honorable
The Secretary of State,
Washington;

Dear Sir,

I have the honor to introduce to you the barer hereof, His Excellency, Lt. General Count Saigo, His Imperial Japanese Majesty's Minister of the Navy.

General Saigo, with his private Secretaries, visits the United States and Europe, with a view (at the instance of his Government) of familiarizing himself with the Naval affairs of our Country and Europe.

He is, as you are aware, a very distinguished soldier and civilian and I can personally attest his high

UNITED STATES LEGATION.

Tokio, Japan, 188

spect and admiration for our own
Government and its people.
He would be gratified to meet
the President
Yours faithfully
Richard B. Hubbard

To Navy.
✓ To Navy Dept. with circular
✓ To Navy Dept. with circular
Aug 5 Mc Arthur

DEPARTMENT OF STATE
AUG 4 1886
RECEIVED.

D. B.
4

No. 186.

United States Legation,
Tokio, Japan, July 9. 1886.

Mr. Hubbard
to the Secretary of State.

Subject:
Transmitting Notification
No 69. of Japanese Government,
being "Notice to Mariners"

No. 186.

United States Legation,
Tokio, Japan, July 9. 1886.

Hon. T. F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to transmit herewith for your information, and for the information of the Secretary of the Navy, four copies of "Notification No. 69 of Department of Communications" of the Japanese Government, bring "Notice to Mariners" concerning a "Mooring Buoy off Nagasaki."

I

I have the honor to be,

Sir,

Your Obedient Servant,

Richard B. Hubbard

Enclosures. As above,

DEPARTMENT OF STATE
AUG 4 1886
RECEIVED.

No. 187.

United States Legation,
Tokio, Japan, July 9. 1886.

Mr. Hubbard
To the Secretary of State.

Subject:
Treaty Revision.

Synopsis:
Conference adjourned until October.
The printed Protocols Nos. 1 to 7 inclusive transmitted herewith.

No. 157.

United States Legation,
Tokio, Japan, July 9. 1886

Hon. T. F. Bayard,
Secretary of State,
Washington,

Sir,

I have the honor to inform you that the Treaty Conference adjourned on the 29th ultimo until the 5th day of October next.

Owing to severe illness, it was my misfortune not to be able to attend that session; - being the seventh session of the Conference. By reference to the printed Protocol No. 7.

which

which with the 1st, 2nd, 3rd,
4th, 5th and 6th printed Proto-
cols, I herewith transmit,
you will observe that I re-
quested the British Minister,
Sir Francis Plunkett, to
represent me on the only
two questions then promi-
nently before the body, viz:
1st. Action of Foreign Delegates
on the new Project for "Revised
Convention", now accepted
as a de novo proposition
by the Japanese Delegates; and
2nd, The question of a tem-
porary adjournment.
I authorized my British col-
league to vote in favor of
both propositions. The first

proposition

proposition, to which I had occasion, and the honor, in a late despatch to invite your attention, and to submit a brief history of the circumstances leading to its submission, commends itself to my judgment as being far preferable to any other presented since the Conference of 1882. It is, of course, a general outline or skeleton for a "Revised Convention" as to jurisdictional matters to be filled up by appropriate stipulations of the Conference. It is the same in substance as the Jurisdictional Project of 1882, and promises in my

opinion

opinion such a solution of these hitherto harassing questions as will on the one side give ample guaranties to the citizens and subject of the Treaty Powers, and on the other a recognition in due time of the National autonomy of Japan. I regretted my misfortune in not being able, from illness, to attend the last Conference session, and to submit a full resume, as I intended to do, of the position, past and present, of the United States Government on all the questions pertaining to Treaty Revision in Japan; showing from the record

record that our country was not only the first to open her "Hermit Gates" to the civilization and friendly intercourse of the West; but the very first also to proffer to her the hand of fellowship and welcome, as an independent State, to the family of Nations.

While this fact is recognized and gratefully appreciated in Japan, I shall nevertheless deem it my duty at the October Conference, as the representative of the great Republic, to show by formal speech that the doctrine of self government and national autonomy, for which our

our ancestors struggled and triumphed is in principle the same in the Orient as in the Occident, wherever-ted by the intelligence and advanced civilization of a wonderfully progressive people. That much is due to those who are to come after us, and to a correct understanding of the history of the real part which our country acted in the diplomacy of Treaty Revision in Japan.

I have the honor to be,

Sir,

Your Obedient Servant,

Richard B. Hubbard

Enclosures. Separate Duplicate copies of printed Protocols Nos 1. 2. 3. 4. 5. 6. & 7.

PROTOCOLE No. I.

SÉANCE DU 1ER MAI 1886.

PROTOCOL No. I.

MEETING OF THE 1ST MAY 1886.

PROTOCOLE No. I.

SÉANCE DU 1ER MAI 1886.

Le Gouvernement du Japon, et les Gouvernements de l'Allemagne, de l'Autriche-Hongrie, de la Belgique, de la Confédération suisse, du Danemark, de l'Espagne, des Etats-Unis, de la France, de la Grande-Bretagne, de l'Italie, des Pays-Bas, du Portugal, de la Russie, de la Suède et de la Norvège,

Réciproquement, animés d'un égal désir d'arriver à une entente commune pour mener à bonne fin l'œuvre de la révision des traités entreprise par la Conférence préliminaire de 1882,

Ont désigné des Plénipotentiaires chargés de les représenter à une nouvelle Conférence convoquée à cet effet par le Gouvernement japonais.

Les Délégués de ces Gouvernements se sont réunis au Ministère des Affaires Etrangères, à Tokio, le 1er mai 1886, à deux heures de l'après-midi.

Etaient présents :

Pour le Japon :
Son Excellence
le Comte Inouyé Kaoru,
Ministre des Affaires Etrangères, et
Son Excellence
M. Siuzo Aoki,
Vice-Ministre des Affaires Etrangères;

Pour la France :
Son Excellence
M. J. A. Sienkiewicz,
Envoyé Extraordinaire et Ministre Plénipotentiaire ;

Pour l'Autriche-Hongrie :
Son Excellence
le Comte Charles Zaluski,
Envoyé Extraordinaire et Ministre Plénipotentiaire ;

Pour la Grande-Bretagne :
Son Excellence
l'Honorable Sir Francis R. Plunkett,
K. C. M. G.
Envoyé Extraordinaire et Ministre Plénipotentiaire ;

PROTOCOL No. I.

MEETING OF THE 1ST MAY 1886.

The Government of Japan, and the Governments of Austria-Hungary, Belgium, Denmark, France, Germany, Great Britain, Italy, the Netherlands, Portugal, Russia, Spain, Sweden and Norway, the Swiss Confederation and the United States of America,

Respectively, recognizing the desirability of arriving at a common understanding with the object of completing the work of the Revision of the Treaties begun in the Preliminary Conference of 1882, have appointed Plenipotentiaries to represent them at a new Conference convoked by the Japanese Government for this purpose.

The Delegates met at the Ministry for Foreign Affairs, Tokio, on Saturday the 1st May 1886, at 2 o'clock in the afternoon.

There were present :—

For Japan :
His Excellency
Count Inouye Kaoru,
Minister for Foreign Affairs, and
His Excellency
Mr. Siuzo Aoki,
Vice Minister for Foreign Affairs;

For France :
His Excellency
Mr. J. A. Sienkiewicz,
Envoy Extraordinary and Minister Plenipotentiary ;

For Austria-Hungary :
His Excellency
Count Charles Zaluski,
Envoy Extraordinary and Minister Plenipotentiary ;

For Great Britain :
His Excellency
The Hon. Sir Francis R. Plunkett,
K. C. M. G.
Envoy Extraordinary and Minister Plenipotentiary ;

Pour l'Italie :
Son Excellence
le Commandeur Renato de Martino,
Envoyé Extraordinaire et Ministre Plénipotentiaire ;
Pour la Belgique :
Son Excellence
M. Georges Neyt,
Envoyé Extraordinaire et Ministre Plénipotentiaire ;
Pour les Etats-Unis d'Amérique :
Son Excellence
M. Richard B. Hubbard,
Envoyé Extraordinaire et Ministre Plénipotentiaire ;
Pour l'Allemagne :
Son Excellence
M. Théodore von Holleben,
Envoyé Extraordinaire et Ministre Plénipotentiaire, et
M. Edouard Zappe,
Consul Général d'Allemagne ;
Pour les Pays-Bas, pour la Suède et la Norvège, et pour le Danemark :
M. J. J. van der Pot,
Ministre Résident ;
Pour l'Espagne :
M. José Delavat,
Ministre Résident ;
Pour le Portugal :
M. José da Silva Loureiro,
Chargé d'Affaires a. i.;
Pour la Russie :
M. Alexis de Speyer,
Chargé d'Affaires a. i.;
Pour la Confédération suisse :
Son Excellence
M. Théodore von Holleben, et
M. A. Wolff,
Consul Général de Suisse.

Son Excellence le Comte Inouyé, Ministre des Affaires Etrangères, en prenant place au fauteuil, prononce le discours suivant :

"Messieurs,

"Avant d'aborder l'objet pour lequel nous "sommes rassemblés aujourd'hui, je dois tout "d'abord m'acquitter, par ordre de Sa Majesté "l'Empereur, mon Auguste Souverain, d'un "agréable devoir, en vous exprimant, en Son "nom, la satisfaction avec laquelle Sa Majesté "voit la réunion de cette Conférence, et le ferme

For Italy :
His Excellency
Mr. Renato de Martino,
Envoy Extraordinary and Minister Plenipotentiary ;
For Belgium :
His Excellency
Mr. George Neyt,
Envoy Extraordinary and Minister Plenipotentiary ;
For the United States of America :
His Excellency
Mr. Richard B. Hubbard,
Envoy Extraordinary and Minister Plenipotentiary ;
For Germany :
His Excellency
Mr. Theodore von Holleben,
Envoy Extraordinary and Minister Plenipotentiary, and
Mr. Edward Zappe,
Consul General of Germany ;
For the Netherlands, for Sweden and Norway, and for Denmark :
Mr. J. J. van der Pot,
Minister Resident ;
For Spain :
Mr. José Delavat,
Minister Resident ;
For Portugal :
Mr. José da Silva Loureiro,
Chargé d'Affaires ad interim ;
For Russia :
Mr. Alexis de Speyer,
Chargé d'Affaires ad interim ;
For the Swiss Confederation :
His Excellency
Mr. Theodore von Holleben, and
Mr. A. Wolff,
Consul General of Switzerland.

His Excellency Count Inouye, Minister for Foreign Affairs, taking his seat at the head of the table, made the following speech :—

"Gentlemen,

"Before proceeding with the subject which "has brought us together, I have the honor to "discharge, by the command of His Majesty "the Emperor, my August Sovereign, a pleas-"ant duty. His Majesty has charged me to "convey to you His satisfaction at the meeting "of this Conference, and to express His confi-

"espoir qu'Elle entretient que les négociations "qui vont s'ouvrir aboutiront à des résultats de "nature à satisfaire également toutes les Puissan- "ces intéressées.

"Je vous invite maintenant, Messieurs, à "constituer la Conférence en procédant au choix "d'un Président."

M. Sienkiewicz, Ministre de France, doyen du Corps diplomatique, répond en ces termes:

"Messieurs,

"En ma qualité de doyen du Corps diplo- "matique, j'ai le devoir de prendre la parole "pour exprimer les sentiments de profonde "gratitude qu'a éveillés en nous le témoignage "de bienveillante sympathie que Sa Majesté "l'Empereur a bien voulu nous donner, et pour "prier Son Excellence Monsieur le Ministre des "Affaires Etrangères de transmettre à Sa "Majesté nos respectueux remercîments.

"Qu'il me soit encore permis de vous proposer "de confier de nouveau à Son Excellence le "Comte Inouyé les fonctions de Président qu'il "a déjà remplies avec tant de distinction et "d'habileté lors de la Conférence de 1882, dont "la Conférence actuelle n'est en quelque sorte "que la continuation. C'est un usage consacré "par les précédents et qui, dans la présente "circonstance, s'allie admirablement avec notre "intérêt à tous. Les qualités éminentes du "Comte Inouyé, son expérience, sa sagesse "éprouvée, nous sont comme une garantie que "l'œuvre de la révision des traités, pour l'achève- "ment de laquelle nous sommes heureux d'être "réunis, aboutira à des résultats également "satisfaisants pour tous les Etats intéressés.

"Je ne doute donc pas de l'assentiment "unanime que rencontrera cette proposition."

La Conférence se range avec empressement à la proposition du Ministre de France et décerne à l'unanimité la présidence au Ministre des Affaires Etrangères.

Le Comte Inouyé remercie la Conférence de cette marque de confiance, et demande la permission, en cas d'empêchement de sa part, de se faire remplacer au fauteuil par M. Siuzo Aoki, second Plénipotentiaire pour le Japon, qu'il présente à la Conférence.

Cette proposition étant adoptée, il est procédé à la constitution du Bureau du Protocole, que le Président propose de composer ainsi qu'il suit:

"dent hope that the negotiations will be produc- "tive of a result most satisfactory to all the "States interested.

"Now, Gentlemen, I request you to constitute "the Conference by choosing the President."

Mr. Sienkiewicz, the French Minister, as Doyen of the Diplomatic Corps, replied as follows:—

"Gentlemen,

"In my position as Doyen of the Diplomatic "Corps, it devolves upon me to express the "feelings of deep gratitude which are inspired "in us by the proof of kindly sympathy which "His Majesty the Emperor has been graciously "pleased to afford to us, and to beg His Excel- "lency the Minister for Foreign Affairs to con- "vey to His Majesty our respectful thanks.

"I may be permitted also to propose to you "to confer again on His Excellency Count "Inouye the functions of President which he "previously discharged with such distinguished "ability during the Conference of 1882, of "which the present Conference is, so to speak, "the continuation. This is a custom which is "consecrated by precedent, and which under "present circumstances is eminently conducive to "the interests of us all. The high qualities "of Count Inouye, his experience, and his "proved wisdom are to us a guarantee that the "work of the Revision of the Treaties, for the "completion of which we are happily assembled "here to day, will lead to results equally "satisfactory to all the States interested.

"I feel convinced that my proposition will "meet with unanimous approval."

The Conference cordially adopted the proposition of Mr. Sienkiewicz, and confered the presidency upon the Minister for Foreign Affairs.

Count Inouye thanked the Conference for this mark of confidence, and asked permission to allow himself, when prevented from presiding, to be replaced in the chair by Mr. Siuzo Aoki, Second Plenipotentiary for Japan, whom he introduced to the Conference.

This proposal having been agreed to, the Conference proceeded to constitute the Secretariat for drawing up the Protocols—which the President proposed to form as follows:—

M. Saito Shiuichiro, Chef de Section des Affaires Politiques au Ministère des Affaires Etrangères, et Chef du Cabinet du Ministre;

M. le Baron A. de Siebold, Conseiller de Légation, attaché au Cabinet du Ministre des Affaires Etrangères;

M. D. W. Stevens, Conseiller de Légation, attaché au Cabinet du Ministre des Affaires Etrangères;

M. John Harington Gubbins, interprète faisant fonctions de secrétaire-interprète à la Légation d'Angleterre;

M. P. de Lucy-Fossarieu, interprète à la Légation de France.

Ces noms ayant été approuvés, les Secrétaires sont présentés à la Conférence.

Le Président propose, et il est décidé que les pleins pouvoirs des Délégués seront déposés au Secrétariat.

Le Président, à ce sujet, fait savoir que le Ministre d'Espagne a reçu de son Gouvernement un télégramme lui annonçant que ses pleins pouvoirs avaient été expédiés le 6 avril dernier, et il pense que la Conférence sera d'accord avec lui pour reconnaître à M. Delavat le droit de prendre part aux séances en attendant l'arrivée prochaine de ses pouvoirs.

M. Sienkiewicz fait remarquer que ce point est hors de discussion, et il croit se faire l'interprète des sentiments unanimes de la Conférence en donnant à M. Delavat l'assurance du vif plaisir avec lequel ses collègues le verront se joindre à eux.

Le Président fait connaître ensuite qu'il a reçu du Chargé d'Affaires d'Hawaii une lettre en date du 1er février dernier, par laquelle M. Irwin, étant sur le point de quitter temporairement le Japon, l'avise que son Gouvernement déclare adhérer à l'avance à tous les arrangements qui pourront être conclus par les Etats-Unis.

M. de Speyer rappelle que, bien que n'étant pas muni de pleins pouvoirs, il a reçu de son Gouvernement, par le télégraphe, l'autorisation de prendre part à la Conférence, et que le Ministre du Japon à Saint-Pétersbourg a été informé du fait.

Le Président confirme cette assertion.

M. Sienkiewicz, au nom de ses collègues,

Mr. Saito Shiuichiro, Chief of the Political Section in the Ministry for Foreign Affairs, and Chef de Cabinet of the Minister for Foreign Affairs;

Baron von Siebold, Counsellor of Legation, attached to the Cabinet of the Minister for Foreign Affairs;

Mr. D. W. Stevens, Counsellor of Legation, attached to the Cabinet of the Minister for Foreign Affairs;

Mr. John Harington Gubbins, Acting Japanese Secretary to the British Legation;

Mr. P. de Lucy-Fossarieu, Interpreter to the French Legation.

These names having been agreed to, the Secretaries were introduced to the Conference.

On the proposal of the President, it was decided that the Full Powers of the Delegates should be deposited with the Secretariat.

With reference to this subject, the President announced that the Spanish Minister had received from his Government a telegram informing him that his Full Powers had been sent off on the 6th April last. He was therefore of opinion that the Conference would concur with him in recognizing the right of Mr. Delavat to participate in its sittings, in anticipation of the approaching arrival of his Full Powers.

Mr. Sienkiewicz observed that this point required no discussion:—he believed that he was only giving expression to the unanimous sentiment of the Conference when he assured Mr. Delevat of the pleasure with which his Colleagues would welcome his cooperation.

The President further announced that he had received from the Chargé d'Affaires of Hawaii a letter, dated the 1st February last, in which Mr. Irwin, being about to leave Japan temporarily, notified him that his Government declared its adhesion in advance to all arrangements which might be concluded by the United States of America.

Mr. de Speyer drew attention to the fact that although he was not furnished with Full Powers, he had received authority from his Government by telegraph to take part in the Conference and that the Japanese Minister at St. Petersburg had been notified of this.

The President confirmed this statement.

Mr. Sienkiewicz, in the name of his collea-

exprime l'avis que, dans ces conditions, la participation de M. de Speyer aux Conférences ne saurait faire l'objet d'aucune contestation.

Le Comte Inouyé prononce alors le discours suivant :

"Messieurs,

"La Conférence qui se réunit aujourd'hui va "avoir pour tâche de réviser les traités actuelle- "ment en vigueur et de conclure une convention "qui règlera, pour de nombreuses années, les "rapports du Japon avec les Puissances d'Occi- "dent.

"La Conférence de 1882, convoquée dans le "but de rechercher une base pour la révision "des traités, n'a pas été stérile, en ce sens qu'elle "a permis au Gouvernement Impérial de mettre "nettement en lumière la nécessité de certaines "réformes, notamment celle du système de juri- "diction, et qu'elle lui a fourni l'occasion de "manifester hautement ses tendances libérales "en ce qui touche l'ouverture du pays tout "entier au commerce et à la libre circulation "des étrangers. Les propositions dont le Gou- "vernement japonais avait pris l'initiative sur "ce point n'ont pas rencontré de la part des "Puissances une complète adhésion ; mais la "discussion des questions commerciales a conduit "à une solution satisfaisante. Un contre-projet "de tarif, préparé par les soins des Délégués "étrangers, a été accepté par le Gouvernement "Impérial, tandis que, sur la question des droits "de tonnage et sur celle de l'affrétement des "navires étrangers, l'entente s'est établie en "principe.

"Comme vous ne l'ignorez pas, Messieurs, "l'objet que poursuivait cette première Confé- "rence, c'est-à-dire la détermination d'une base "pour la révision des traités, n'a pu être atteint "qu'à la suite de laborieuses négociations entre "nos Gouvernements respectifs, et les différents "points en discussion ont été résumés dans le "Mémorandum du mois d'Août 1884, Mémo- "randum qui, je me plais à le reconnaître, a été "accepté par tous les Gouvernements, soit comme "base définitive, soit tout au moins comme point "de départ.

"Aussi, dans la préparation des projets que je "vais avoir l'honneur de vous soumettre, me "suis-je attaché à suivre pas à pas ce Mémoran- "dum, et vous constaterez, je l'espère, que j'ai "réussi à me conformer, sur presque tous les "points, à l'esprit qui l'avait inspiré.

gues, expressed the opinion that under these circumstances no objection could be taken to the participation of Mr. de Speyer in the Conference.

The President then made the following speach :—

"Gentlemen,

"The Conference which is assembled to-day "has for its object the revision of the existing "Treaties, and the conclusion of a Convention "which shall for many years regulate the inter- "course between Japan and the Western "Powers.

"The Conference of 1882, which was called "for the purpose of establishing a basis for the "Revision of the Treaties, was a success in so "far as it enabled the Imperial Government to "point out clearly various desirable reforms, "notably the reform of jurisdiction, and to de- "clare its liberal policy in regard to the opening "of the whole country to foreign trade and in- "tercourse. The proposition then submitted "by the Imperial Government in this respect "did not meet with the full concurrence of the "Treaty Powers, but the discussion on commer- "cial matters led to a satisfactory result. A "counter-proposition of a Tariff prepared by "the Foreign Delegates has been accepted by "the Imperial Government, and the questions "of tonnage-dues and the charter of foreign "vessels have been agreed upon "*en principe*."

"As you are all aware, the object which this "first Conference had in view, namely, the for- "mation of a basis for the Revision of the "Treaties, was obtained only after prolonged "negotiations between our respective Govern- "ments. The various points under considera- "tion were embodied in the Memorandum of "August 1884, which I am happy to say has "been accepted by all the Governments repre- "sented at this Conference, either as a basis, or "at least as a "*point de départ*."

"In preparing, therefore, the drafts of the "propositions which I shall have the honor to "submit to you, I have been guided by this "Memorandum, and you will find that I have "been able in nearly every point to adhere to "the spirit by which it was dictated.

"Je regrette que tant de temps ait été néces-
"saire pour l'élaboration de ces documents;
"mais j'ose me flatter que ce temps, du moins,
"n'aura pas été dépensé en vain, car l'étude des
"questions, si complexes, de juridiction à la-
"quelle on a dû se livrer, a amené, par voie de
"conséquence, l'introduction de réformes corres-
"pondantes dans la législation japonaise. Je
"puis, Messieurs, vous donner l'assurance que
"le Gouvernement Impérial a pleine conscience
"de la responsabilité qui lui incomberait si les
"modifications qu'il propose d'apporter au régi-
"me de juridiction auquel sont soumis les
"étrangers en cet Empire étaient acceptées.

"J'ai l'honneur de vous remettre les textes
"imprimés des projets que le Gouvernement
"japonais a préparés, et que je prends la liberté
"de recommander à un examen attentif et
"approfondi de votre part.

"L'intérêt commun que nous avons, les uns
"et les autres, à l'établissement de relations
"intimes et au développement d'un commerce
"prospère entre ce pays et les nations occiden-
"tales, nous sera, je le veux croire, une garantie
"que les difficultés inévitables qui surgissent
"dans les questions que nous allons avoir à
"traiter, seront victorieusement surmontées,
"grâce surtout à l'esprit d'équité et de conciliа-
"tion dont nous sommes animés.

"Il est une chose, Messieurs, que, j'en suis
"certain, vous saurez ne pas perdre de vue:
"c'est que, représentants de la civilisation occi-
"dentale, vous êtes appelés à prononcer un
"jugement sur les progrès accomplis par cet
"Empire et que votre verdict prouvera au
"monde si, oui ou non, la politique suivie,
"depuis l'époque de la Restauration, par le
"Gouvernement du Japon et le pays lui-même,
"a su provoquer chez les nations dont vous
"êtes les mandataires assez de confiance, de
"sympathie et d'approbation pour justifier la
"substitution d'un régime nouveau à celui qui
"a été pratiqué jusqu'à ce jour.

"Messieurs, je vous souhaite cordialement la
"bienvenue, et, me faisant l'écho des sentiments
"de mon Auguste Souverain, je me permets
"d'entretenir l'espoir que la Conférence qui
"s'ouvre sous de si heureux auspices aboutira
"à des résultats également favorables et aux
"intérêts des Puissances signataires et à ceux du
"pays que j'ai l'honneur de représenter."

"M. Sienkiewicz remercie le Ministre des

"I regret that so much time has been taken
"up in the preparation of these documents, but
"I am happy to think that this time has not
"been spent in vain, for the study of the com-
"plicated judicial questions involved has pro-
"duced corresponding reforms in Japanese
"legislation. I assure you Gentlemen, that
"the Imperial Government is fully aware of
"the responsibility which will be incurred by
"it if the modifications proposed in the system
"of jurisdiction over foreigners in this Empire
"are carried out.

"I now beg leave to submit to you printed
"copies of the drafts which the Japanese
"Government has prepared, and which I re-
"commend to your earnest and careful consi-
"deration.

"The interest which we all in common have
"in the development of intimate relations and
"a properous commerce between this Empire
"and Western Nations will, I permit myself to
"believe, be a guarantee that the great difficul-
"ties which naturally present themselves in
"dealing with the questions before us may be
"overcome, having regard more especially to
"the equitable and conciliatory spirit by which
"we are animated.

"I trust you will not lose sight of the fact
"that you, as the representatives of western
"civilization, are called upon to pronounce
"judgment upon the progress of this country,
"and that your decision will demonstrate to the
"world whether or not the policy which this
"Government and nation have been pursuing
"since the time of the restoration has succeeded
"in produing a feeling of confidence and sym-
"pathetic approbation among the nations which
"you represent such as to justify the adoption
"of a different system to that which has hither-
"to prevailed.

"Gentlemen, I bid you a most hearty wel-
"come, and echoing the sentiment of my August
"Sovereign, I permit myself to entertain the
"confident hope that the Conference so auspi-
"ciously commenced will be productive of a
"result beneficial alike to the interests of the
"Treaty Powers and of the nation I have the
"honor to represent."

Mr. Sienkiewicz thanked the President for

"Affaires Etrangères de l'exposé historique "qu'il vient de faire et déclare partager son "espoir de voir sortir de la nouvelle Conférence "une œuvre féconde et durable."

Les textes, soit français soit anglais, des documents comprenant la série des projets rédigés par le Gouvernement japonais, sont distribués en triple exemplaire aux Délégués.

Le Président réclame l'indulgence de la Conférence pour les quelques fautes qui existent dans les documents distribués. Sur la demande que lui fait le Ministre de France si ces fautes altèrent le sens général, il répond qu'il n'en existe pas de cette nature.

Le Président formule alors les propositions suivantes.

En premier lieu, il lui paraît nécessaire de régler à l'avance l'ordre des discussions. A cet effet, il a eu soin de faire dresser une liste imprimée, qui est remise à chacun des Délégués, des diverses questions à traiter rangées suivant l'ordre adopté dans la rédaction du Projet de Convention, et comprenant d'abord les questions commerciales, ensuite les concessions du Gouvernement japonais, enfin les questions relatives à la juridiction. Il demande donc que l'on se conforme, dans les discussions, à l'ordre ainsi établi, et qu'on ne passe à la discussion d'une question nouvelle qu'après avoir résolu la question précédente.

Sir Francis Plunkett fait observer qu'il serait préférable de remettre à la séance suivante, alors que les Délégués auront eu le temps de prendre connaissance des documents qui leur sont soumis, toute décision sur l'ordre des discussions.

La Conférence adopte cette manière de voir.

En second lieu, le Président exprime le désir que les discussions et les documents relatifs à la Conférerence soient considérés comme d'un caractère strictement confidentiel.

Cette proposition est acceptée à l'unanimité.

En troisième lieu, le Président propose que les protocoles soient rédigés en anglais et en français, toute liberté étant laissée aux Délégués de faire usage, au cours des délibérations, de la langue qu'il leur conviendra.

Après un échange d'explications auquel prennent part le Président et les Délégués de

the general statement (*exposé historique*) which he had made, and stated that he shared his hope that the new Conference would lead to fruitful and durable results.

Three copies, in French or English text, of the documents embodying the series of proposals drawn up by the Japanese Government were distributed to each Delegate.

The President asked the indulgence of the Conference for the few mistakes which existed in the documents distributed. In reply to a question addressed to him by the Minister of France as to whether these mistakes altered the general sense, he replied that there were no mistakes of this nature.

The President then made the following proposals:—

In the first place, it appeared to him necessary to determine beforehand the order of discussion. He had therefore taken care to have prepared a printed list, which had been given to each Delegate, of the various questions to be treated, arranged in the order adopted in drawing up the Draft of the Convention, the commercial questions coming first in this order, the concessions made by the Japanese Government coming next, and the questions relating to jurisdiction being taken last. He therefore hoped that this order would be adhered to in the discussion, and that no fresh subject would be opened until after the one preceding it had been settled.

Sir Francis Plunkett observed that it would be better to postpone till the next sitting, when the Delegates would have had time to make themselves acquainted with the papers which had been given to them, all decision respecting the order of discussion.

The Conference adopted this view.

Secondly, the President expressed his wish that the discussions and papers connected with the Conference should be considered as strictly confidential.

This proposition was accepted unanimously.

Thirdly, the President proposed that the Protocol should be drawn up in English and French, full liberty being given to each Delegate to make use in the course of the discussions of the language which he might prefer to employ.

After some discussion, in which the President, and the Delegates of France, England, Ger-

France, d'Angleterre, d'Allemagne, d'Italie, des Etats-Unis et de Russie, il est entendu que les protocoles seront rédigés à la fois en anglais et en français, les deux textes étant, d'ailleurs, identiques et faisant foi au même titre; que les Délégués signeront l'un ou l'autre suivant leur préférence; que, dans les discussions, il sera loisible d'employer tel langage que ce soit: que toute proposition nouvelle d'un caractère important devra être rédigée par écrit et ne pourra être discutée qu'à la séance suivante, et après avoir été soumise aux Délégués en double texte français et anglais, la préparation de ces textes étant laissée au soin des Secrétaires.

Le Président propose alors de fixer le jour de la prochaine séance.

Après une courte discussion sur le délai nécessaire pour permettre aux Délégués d'étudier les documents communiqués par le Gouvernement japonais, la Conférence décide de s'ajourner au samedi 22 mai, à deux heures de l'après-midi.

La séance est levée à trois heures et demie.

Signé:

SIENKIEWICZ.
R. DE MARTINO.
G. NEYT.
HOLLEBEN.
ZAPPE.
J. DELAVAT.
SPEYER.
A. WOLFF.

many, Italy, the United States and Russia took part, it was agreed that the Protocols should be drawn up simultaneously in English and French, the two texts to be regarded as identical and equally valid; that the Delegates should sign whichever of the two they might prefer; that any language might be used in the discussions; and that any new proposition of an important nature should be drawn up in writing and could only be discussed at the meeting following that at which it was brought forward, and after having been submitted to the Delegates in both English and French texts,—the preparation of these texts to be entrusted to the Secretariat.

The President then proposed that the date of the next sitting of the Conference should be fixed.

After a short discussion on the question of the period of adjournment necessary to enable the Delegates to study the documents presented by the Japanese Government, the Conference decided to adjourn until Saturday the 22nd May at 2 o'clock in the afternoon.

The sitting terminated at half past 3 o'clock.

Signed:

INOUYE KAORU.
AOKI.
ZALUSKI.
F. R. PLUNKETT.
RICHARD B. HUBBARD.
J. J. VAN DER POT.
J. LOUREIRO.

Certifié conforme à l'original:

SAITO SHIUICHIRO.
BARON DE SIEBOLD.
D. W. STEVENS.
JOHN H. GUBBINS.
P. DE LUCY-FOSSARIEU.

Certified to be a correct copy:

PROTOCOLE Nº 2.

PROTOCOL Nº 2.

SÉANCE DU 22 MAI 1886.

MEETING OF THE 22 MAY 1886.

PROTOCOLE Nº 2.

SÉANCE DU 22 MAI 1886.

La Conférence s'est réunie à deux heures de l'après-midi sous la présidence du Comte Inouyé.

Etaient présents:

Pour le Japon:
Le Comte Inouyé et M. Aoki;
Pour la France:
M. Sienkiewicz;
Pour l'Autriche-Hongrie:
Le Comte Charles Zaluski;
Pour la Grande-Bretagne:
Sir Francis R. Plunkett;
Pour l'Italie:
M. de Martino;
Pour la Belgique:
M. Neyt;
Pour les Etats-Unis d'Amérique:
M. Hubbard;
Pour l'Allemagne:
M. von Holleben et M. Zappe;
Pour les Pays-Bas, pour la Suède et la Norvège, et pour le Danemark:
M. van der Pot;
Pour l'Espagne:
M. Delavat;
Pour le Portugal:
M. Loureiro;
Pour la Russie:
M. de Speyer;
Pour la Confédération suisse:
M. von Holleben et M. Wolff.

Le Président soumet aux Délégués le protocole de la première séance et propose que, suivant la procédure adoptée par de récentes Conférences européennes, le protocole soit tenu pour lu et signé séance tenante par les Délégués.

Sir Francis Plunkett demande à appeler l'attention sur un passage du discours prononcé par le Président à la séance précédente, où il est dit que la Conférence va avoir pour objet de conclure "*une convention.*" Il est d'avis que le terme "*des conventions*" exprimerait avec plus d'exactitude l'objet pour lequel la Conférence a été réunie. Ce changement de rédaction lui

PROTOCOL Nº 2.

MEETING OF MAY 22, 1886.

The Conference met at 2 o'clock in the afternoon, under the presidency of Count Inouye.

There were present:—

For Japan:
Count Inouye and Mr. Aoki;
For France:
Mr. Sienkiewicz;
For Austria-Hungary:
Count Charles Zaluski;
For Great Britain:
Sir Francis R. Plunkett;
For Italy:
Mr. de Martino;
For Belgium:
Mr. Neyt;
For the United States of America:
Mr. Hubbard;
For Germany:
Mr. von Holleben and Mr. Zappe;
For the Netherlands, for Sweden and Norway, and for Denmark:
Mr. van der Pot;
For Spain:
Mr. Delavat;
For Portugal:
Mr. Loureiro;
For Russia:
Mr. de Speyer;
For the Swiss Confederation:
Mr. von Holleben and Mr. Wolff.

The President submitted to the Delegates the Protocol of the first meeting of the Conference, and suggested that, in conformity with the procedure observed by recent European Conferences, it should be taken as read, and might thereupon be signed by the Delegates.

Sir Francis Plunkett desired to call attention to that portion of the President's speech at the last meeting, in which it was stated that the object of the Conference was to conclude "*a Convention,*" and suggested that the word "*Conventions*" would better express the object for which the Conference was assembled. This change of the wording seemed to him to be

paraît être rendu nécessaire par le fait que si, comme il espère que cela pourra avoir lieu, les travaux de la Conference aboutissent à une entente, le nombre des conventions à conclure s'élèvera à quinze.

Le Président partage l'opinion exprimée par le Délégué d'Angleterre.

M. Sienkiewicz fait observer que la Conférence, si elle aboutit, aura évidemment pour résultat la conclusion de plusieurs conventions; mais comme il n'y a qu'un seul projet de convention, il est d'avis qu'il serait préférable de conserver telle quelle la rédaction de ce passage du discours du Président.

Le Président renouvelle son adhésion à la manière de voir du Délégué d'Angleterre, et il ajoute que, puisqu'il s'agit de réviser plusieurs conventions qui, bien qu'identiques dans le fond, sont distinctes dans la forme, cette révision devra nécessairement avoir pour résultat la conclusion d'un certain nombre de conventions distinctes.

M. Sienkiewicz remarque qu'il importe d'établir une distinction entre la forme et le fond. Quant à la forme, il y aura évidemment autant de Conventions que de Puissances contractantes; mais quant au fond, il n'y aura en réalité qu'une seule et même convention.

Sir Francis Plunkett fait observer que, dans une certaine mesure, il y aura également des différences dans le fond. L'Angleterre, par exemple, devra insérer dans sa convention une clause relative aux colonies, ce qui ne sera pas nécessaire pour les autres Puissances. D'autres différences pourront aussi s'imposer dans diverses conventions.

M. Hubbard partage l'opinion formulée par Sir Francis Plunkett, mais, comme tout le monde est d'accord, à ce qu'il lui semble, pour reconnaître que l'objet de la Conférence est d'arriver, s'il est possible, à s'entendre sur la détermination d'une base définie pour la révision des traités existants, il propose, pour éviter tout malentendu, d'insérer les mots: ".....de s'entendre sur la "détermination d'une base pour la conclusion "de conventions séparées."

M. Sienkiewicz dit que, s'il a bien compris la pensée de M. Hubbard, l'idée du Délégué des Etats-Unis est que l'objet de la Conférence serait la détermination d'une base *unique*. Dans

required by the fact that if, as he trusted might be the case, their labors terminated in an agreement, the number of Conventions to be concluded, in consequence, would be fifteen.

The President concurred in the opinion expressed by Sir Francis Plunkett.

Mr. Sienkiewicz observed that the successful termination of the labors of the Conference would certainly result in the conclusion of several Conventions, but, as there was only one *projet de Convention*, he would suggest that it was better to maintain the present wording of that portion of the President's address which was referred to.

The President again expressed his concurrence in the view taken by the British Delegate, and added that as there were, in point of fact, several Conventions to be revised, which although identical in spirit were separate in form, such revision must necessarily result in the conclusion of a number of separate Conventions.

Mr. Sienkiewicz observed that the distinction should be clearly made between form and substance. As far as the form went, there must evidently be as many Conventions as there were Treaty Powers, but so far as the substance was concerned there would be, as a matter of fact, only one Convention.

Sir Francis Plunkett observed that to a certain extent there would be differences of substance. England must, for instance, have an Article in her convention regarding colonies which would not be required by other Powers; other differences also might be requisite in various Conventions.

Mr. Hubbard coincided in the opinion expressed by Sir Francis Plunkett, but added that as it was generally understood that the object of the Conference was to agree, if possible, to a distinct basis for the revision of existing treaties, he would suggest, to avoid misunderstanding, the insertion of the words "agreement to a basis for the conclusion of separate Conventions".

Mr. Sienkiewicz observed that if he understood the views of the Delegate of the United States, his opinion was that the object of the Conference was to determine a *unique* basis.

son opinion, la justesse de ce point de vue est suffisamment prouvée par ce fait que, bien que les traités actuels ne soient pas identiques dans la forme, ils le sont tellement dans le fond que, lors de la Conférence de 1882, l'un d'eux (le Traité Austro-Hongrois) a pu être pris comme base pour la révision de tous les autres.

Sir Francis Plunkett observe que, dans son opinion, les Délégués sont réunis en Conférence non pas pour signer une convention générale, mais simplement pour essayer d'arriver à un accord qui servira de base à la conclusion de conventions séparées, qui devront être, autant que les circonstances le permetteront, identiques quant à l'esprit.

Après une discussion à laquelle prennent part les Délégués de France, d'Italie, de Belgique et des Etats-Unis, M. Neyt et M. Hubbard respectivement soumettent par écrit les amendements suivants:

M. Neyt propose de substituer aux mots: "... de conclure une convention....", les mots "... de conclure avec chacune des Puissances intéres- "sées une convention etc."

M. Hubbard propose de remplacer les mots contestés par ceux-ci: ".....de réviser les traités "actuellement en vigueur et d'arriver à un "accord qui règlera, pour de nombreuses années, "les relations du Japon et des Puissances occi- "dentales à l'aide de conventions séparées "conclues en conformité avec l'accord intervenu."

M. Sienkiewicz hésite à accepter l'amendement de M. Neyt, car cet amendement lui paraît supposer l'existence de conventions distinctes et différentes. L'amendement de M. Hubbard lui semble préférable.

Sir Francis Plunkett préfère la rédaction proposée par M. Neyt, mais il n'a pas d'objection à faire à celle adoptée par M. Hubbard.

Le Président déclare accepter l'amendement de M. Hubbard, et propose de mettre la question aux voix.

M. Sienkiewicz fait observer que c'est là une question de principe qui ne saurait être tranchée par un vote.

M. de Martino attire l'attention sur le fait que c'est, en somme, le discours même du Président sur lequel on discute, et il doute du droit que peut avoir la Conférence de modifier des paroles prononcées par le Comte Inouyé, la Conférence ne pouvant que demander des

In his (Mr. Sienkiewicz's) opinion, the correctness of this view was apparent from the fact that although the present treaties were not identical in substance, the Conference of 1882 took one of them (the Austro-Hungarian Treaty) as the basis for the revision of all.

Sir Francis Plunkett remarked that in his opinion the Delegates were assembled in Conference not for the purpose of signing one general Convention, but simply to endeavor to come to an agreement which should serve as a basis for the conclusion of separate Conventions which should, as far as circumstances would permit, be identical in spirit.

After some further discussion upon this point, in which the French, Italian, Belgian, and American Delegates participated, the following formal amendments were presented in writing by the Belgian and the American Delegates, respectively:

Mr. Neyt proposed to substitute for the words "the conclusion of a Convention" etc. the words "the conclusion with each of the Powers concerned of a Convention" etc.

Mr. Hubbard proposed to insert, in lieu of the expression under discussion, the words "revision of existing treaties and the conclusion "of an agreement which shall for many years "regulate the intercourse between Japan and "the Western Powers by separate Conventions "concluded in pursuance of said agreement."

Mr. Sienkiewicz was not inclined to accept Mr. Neyt's amendment, as it seemed to him to presuppose the existence of different Conventions. In his opinion the amendment of Mr. Hubbard was more acceptable.

Sir Francis Plunkett preferred the wording suggested by Mr. Neyt, but had no objection to that proposed by Mr. Hubbard.

The President expressed his willingness to accept Mr. Hubbard's amendment, and proposed to put the question to the vote.

Mr. Sienkiewicz observed that the question was one which involved a principle, and that it could not therefore be put to the vote.

Mr. de Martino drew attention to the fact that they were, in point of fact, discussing the President's address, and he expressed a doubt whether the Conference had the power to alter the language of Count Inouye, the Conference being only able to ask for explanations from

éclaircissements au Président et prendre acte de l'interprétation qu'il donne à ses paroles.

M. Sienkiewicz, reprenant l'observation du Délégué d'Italie, réclame le maintien pur et simple du texte.

M. de Martino exprime sa satisfaction de ce que la discussion qui vient d'avoir lieu a eu pour résultat de montrer que le Président attachait aux paroles qu'il avait prononcées le même sens que les Délégués eux-mêmes, et de ce que les doutes qui auraient pu subsister sur ce point se trouvent ainsi complètement éclaircis.

Le Président se félicite de ce résultat, et exprime le désir que, tout en maintenant telle quelle la rédaction du texte primitif, les amendements des Délégués de la Belgique et des Etats-Unis figurent au prochain protocole.

M. de Martino demande à appeler l'attention de la Conférence sur les points suivants:

Non seulement il n'a pas été consulté par le Secrétariat, ainsi que l'ont été ses collégues, au sujet de l'omission au protocole d'une proposition qui a été faite à la séance précédente; mais il doit aussi exprimer son ferme espoir qu'un procédé incorrect concernant la forme dans laquelle les textes du protocole lui ont été communiqués ne se renouvellera plus.

S'il mentionne ce dernier point, qui lui est personnel, c'est uniquement en vue d'éviter le retour d'un fait analogue. Mais, en ce qui concerne le premier point, il considère que, pour le principe, il est indispensable que la Conférence établisse une règle invariable qui rende impossible dans l'avenir la suppression ou l'élimination dans les protocoles d'une proposition officiellement formulée à la Conférence. Il a l'honneur, en conséquence, de déposer la proposition suivante: "Toute proposition qui aura été formu-"lée devra figurer au protocole. On ne pourra "ni la supprimer ni l'éliminer. Le Délégué "qui aura été l'auteur d'une proposition devra "se borner, le cas échéant, à la retirer."

Le Délégué d'Italie demande encore à attirer l'attention sur cette phrase du protocole: "..... "la préparation de ces textes étant laissée au "soin des secrétaires."—Il pense que la Conférence reconnaitra avec lui que les membres du Secrétariat n'ont nullement qualité pour déterminer la forme à donner à une proposition formulée par un Délégué. Pour lui, il ne saurait se soumettre à aucune correction de leur

the President, and to take note of the interpretation which he gave to his words.

Mr. Sienkiewicz supported the observation of Mr. de Martino, and insisted upon the maintenance of the original wording.

Mr. de Martino expressed his satisfaction that the discussion which had taken place had resulted in showing that the President attached the same general meaning to the words in his address as were ascribed to them by the members; and that, in consequence, any doubts which might possibly have been entertained upon that head had been effectually dispelled.

The President was gratified at this result, and considered that, while the original wording should be retained, it was advisable that the amendments of the Belgian and the American Delegates should appear in the next Protocol.

Mr. de Martino desired to draw the attention of the Conference to the following matters:

Not only had he not been consulted, as his Colleagues had been, by the Secretariat with regard to the omission of a proposition which had been made at the previous meeting, but he begged also to express the hope that an incorrect proceeding in regard to the manner in which the texts of the Protocol had been communicated to him would not occur again. He drew attention to the latter point simply to prevent its possible recurrence; with reference to the former, he considered that, as a question of principle, it was very necessary that the Conference should lay down a strict rule for the future, by which it would be rendered impossible for any proposal formally made at the Conference to be suppressed or eliminated. He therefore begged to submit the following proposal:—

"Every proposal which has been formulated "ought to appear in the Protocol, and can "neither be suppressed nor eliminated. The "Delegate who has formulated it must limit "himself, in the event of such a contingency "arising, to withdrawing the proposal."

He also wished to draw attention to the following passage in the Protocol; "the preparation of these texts to be entrusted to the Secretariat." He thought that the Conference would agree with him that it was no part of the duty of the members of the Secretariat to determine the wording of any proposal formulated by a Delegate.

He, for his part, could hardly consent to any

part, et il propose en conséquence que le passage visé soit supprimé.

M. Hubbard dit que, la première observation du Délégué d'Italie ayant trait, autant qu'il l'a compris, à un incident qui s'est produit à la dernière séance et qui a été omis au protocole, il se croit en droit de présenter à ce sujet quelques explications. En proposant, comme il l'a fait, que la Conférence étendît aux membres du Cabinet japonais le privilège d'assister aux séances *ad informandum*, il avait simplement obéi au désir de répondre aux procédés courtois dont il a été invariablement l'objet de la part des hauts fonctionnaires du Gouvernement japonais, et de suivre le précédent créé par la Conférence de 1882. En constatant que cette proposition ne rencontrait pas une approbation unanime, il l'avait retirée et, par la suite, il avait consenti, simplement en ce qui le concernait personnellement, à ce que l'incident fût omis au protocole, dans la pensée qu'en agissant ainsi il se conformait au vœu d'une partie de ses collègues et que, du moment où une proposition de cette nature, faite uniquement dans un but de courtoisie et en conformité avec le précédent de 1882, n'était pas accueillie unanimement, il valait mieux la retirer.

Le Président déclare qu'il a consenti également à l'omission de l'incident, parce qu'il croyait répondre ainsi à un désir commun. Il appartient, en tous cas, à la Conférence de décider si cet incident doit ou non figurer au protocole.

M. de Martino fait remarquer qu'il n'a prononcé aucun nom dans ses observations, et que, s'il a soulevé la question, c'est uniquement pour prévenir la création d'un précédent.

M. Neyt, en présence du fait que les Délégués avaient presque unanimement consenti à l'omission de l'incident en question, exprime l'espoir que le Délégué d'Italie ne persistera pas à vouloir rouvrir la question.

M. de Martino répond qu'il n'a aucun désir de rouvrir la question, mais qu'il a voulu seulement s'opposer à la création d'un précédent. Il aurait volontiers consenti pour cette fois, comme ses collègues, à l'omission de la proposition, mais on avait négligé de le consulter.

Le Président offre de prendre l'avis de la Conférence sur le point de savoir si l'incident

correction on their part, and he therefore proposed that the passage in question be struck out.

Mr. Hubbard observed that as he understood that the first point referred to by the Italian Delegate had relation to an incident of the last meeting of the Conference, which had been omitted from the Protocol, he thought it right to explain that in proposing, as he had done on the occasion in question, that the Conference should extend to members of the Japanese Cabinet the privilege of attending its meetings *ad informandum*, he had merely been animated by a desire to imitate the courtesy which he had invariably received from the high officials of the Japanese Government, and to follow the precedent established by the Conference of 1882. On perceiving that this proposition was not universally acceptable, he had withdrawn it, and had afterwards agreed, so far only as his individual consent was concerned, to the omission of the incident from the Protocol, in the belief that in so doing he was deferring to the wish of some of his Colleagues, and also in the belief that such a proposition, intended to be purely courteous and following the precedent of 1882, unless adopted unanimously, had better be withdrawn entirely.

The President stated that he had himself consented to the omission of the incident alluded to from the Protocol, because he thought that that was the general desire. It was for the Conference to decide, however, whether the matter should appear in the Protocol or not.

Mr. de Martino observed that he had abstained from mentioning names in his remarks, and had only brought the matter before the Conference in order to prevent the creation of a precedent.

Mr. Neyt, in view of the fact that the Delegates had almost unanimously agreed to the omission of the incident alluded to, entertained the hope that the Italian Delegate would not insist upon reopening the question.

Mr. de Martino replied that he had no wish to reopen the question, but merely desired to avoid creating a precedent. He would willingly have joined his Colleagues in agreeing, for this time, to the omission of the proposition, but he had never been consulted.

The President offered to take the opinion of the Conference as to whether the matter referred

en question doit figurer au protocole.

Il n'est pas donné suite à cette proposition, mais le sentiment général de la Conférence est que la proposition de M. de Martino soit adoptée en vue de l'avenir.

Relativement à la protestation formulée par le Délégué d'Italie contre la phrase: "..... la préparation de ces textes étant laissée au soin des secrétaires" les Délégués de la Belgique, de la France, et des Etats-Unis expriment l'opinion que cette phrase signifie simplement que les propositions des Délégués doivent être traduites et rapportées par les secrétaires, mais non pas qu'elles seront rédigées par eux.

La proposition de M. de Martino est néanmoins adoptée, et il est décidé que la phrase en question sera tenue pour supprimée.

Il est alors procédé à la signature du protocole N°. 1.

Le Délégué de France rappelle que le Délégué d'Italie s'est plaint d'un manque d'égards à son endroit, et il demande qu'en présence de ce reproche, il soit fourni aux membres du Bureau du Protocole une occasion de s'expliquer.

Le Président, après s'être fait donner par le Secrétariat les éclaircissements nécessaires au sujet de la question personnelle soulevée par M. de Martino, demande à déclarer qu'il ne lui paraît pas qu'il y ait eu de la part du Bureau du Protocole aucune intention de manquer envers M. de Martino aux égards qui lui sont dus, et que le fait dont se plaint le Délégué d'Italie a eu simplement pour cause la nécessité où se trouve le Secrétariat de terminer dans un délai limité la rédaction des protocoles.

M. de Martino accepte ces explications, qui constatent que l'inconvénient dont il est question ne se renouvellera pas dans l'avenir.

M. van der Pot fait connaître que les pouvoirs en vertu desquels il siége à la présente Conférence sont les mêmes que ceux qui lui avaient été fournis pour la Conférence de 1882. Les mesures nécessaires ne manqueront pas d'être prises par les Gouvernements qu'il représente pour lui faire parvenir des pouvoirs nouveaux et complets.

Le Président confirme les déclarations de M. van der Pot; il ajoute qu'il a fait télégraphier aux représentants du Japon auprès des Gouvernements des Pays-Bas, de la Suède et de la

to should appear in the Protocol.

No action was taken upon this suggestion, but it was the general opinion of the Conference that Mr. de Martino's proposal should be adopted in regard to its future proceedings.

As to the objection raised by Mr. de Martino to the phrase "the preparation of the text to be entrusted to the Secretariat" etc., the Belgian, French, and American Delegates expressed the opinion that the passage was merely intended to mean that the proposals of the Delegates were to be translated and recorded, but not framed by the Secretariat

Mr. de Martino's proposition was adopted, and it was decided that the passage in question should be considered as eliminated.

Protocol No. 1 was then signed.

Mr. Sienkiewicz drew attention to the fact that the Italian Delegate had complained of a want of consideration shown to him by the Secretariat, and he requested that in view of this complaint having been made the members of the Secretariat should be allowed an opportunity of explaining the matter.

The President having referred to the Secretariat for information regarding the personal question raised by Mr. de Martino, desired to explain that he could not find that there had been any intention on the part of that Bureau to be wanting in due consideration to Mr. de Martino, and that the incident complained of arose simply from the necessity imposed upon the Secretariat of completing the text of the Protocol within a limited time.

Mr. de Martino accepted this explanation, which provided against the recurrence in the future of the inconvenience in question.

Mr. van der Pot explained that he was acting as a Delegate to the present Conference under the same Powers which he held as a Delegate to the Conference of 1882. The necessary formal steps would no doubt be taken by the Governments he represented to furnish him with new and complete Full Powers.

The President confirmed Mr. van der Pot's statement, and added that he had caused telegraphic instructions to be sent to the Japanese Representatives at the Courts of the Nether-

Norvège et du Danemark, pour les inviter à obtenir la confirmation des pouvoirs possédés par M. van der Pot, et il est certain que cette confirmation ne saurait se faire attendre.

M. Hubbard expose que, depuis la dernière séance, il a reçu de son Gouvernement, par le télégraphe, des pouvoirs complets l'autorisant à signer la convention qui sera acceptée par la Conférence, sous la seule réserve de l'approbation du Sénat des Etats-Unis. Ces pouvoirs, nécessaires pour lui permettre de conclure une convention, lui seront transmis en temps utile par la poste.

M. Sienkiewicz demande la permission de poser une question au Président. Il a reçu la veille, dans la soirée, et il ne doute pas que ses collègues n'aient reçu comme lui, un document ayant pour titre: "Rapport du Comité spécial." Il désire savoir quel est ce comité, quand il s'est formé, en vertu de quelle délégation il a siégé, quels sont enfin les membres qui le composent. S'agirait-il de la Commission de 1882? Mais cette Commission a été suspendue. Un des membres qui la composaient a quitté le Japon il y a trois ans; un autre est également absent depuis plusieurs mois. En outre, de la Conférence qui a institué cette Commission, il ne reste dans la Conférence actuelle que deux ou trois membres. Il n'en est pas moins positif, cependant, qu'il y a une commission qui fonctionne, et que c'est la veille au soir seulement que son existence a été révélée au Délégué de France. Il demande en conséquence des explications sur ce point au Président.

Le Président répond que le document auquel il est fait allusion constitue une partie des résultats des travaux de la Commission nommée par la Conférence de 1882 pour étudier les questions de tarif.

M. van der Pot explique qu'une Commission avait été nommée par la Conférence de 1882 pour étudier les questions relatives au tarif. Le protocole Nº 10 de la Conférence préliminaire contient toutes les indications sur la façon dont la Commission a été constituée et sur le rôle qui lui était assigné. Les membres qui la composaient étaient Sir Harry Parkes, M. Shioda, M. Zappe et lui-même.

Des textes des protocoles de la Conférence préliminaire de 1882 sont apportés et consultés par plusieurs membres.

M. Neyt exprime le désir de savoir à quel titre le rapport de la Commission spéciale a été

lands, Sweden and Norway, and Denmark to obtain the requisite confirmation of the Powers held by Mr. van der Pot, and he felt confident that this confirmation would follow immediately.

Mr. Hubbard stated that, since the last meeting of the Conference, he had received by cable from his Government full authority to sign the Convention agreed upon by the Conference, subject only to the ratification of the Senate of the United States. The necessary powers to conclude a Convention would be transmitted to him in due course by mail.

Mr. Sienkiewicz requested permission to ask a question of the President. He had received the previous evening and, as he supposed his Colleagues had also, a document entitled "Report of the Special Committee." He desired to know what was the nature of the Committee, when it had been formed, by virtue of what powers it had sat, and who were its members. If it was the Committee of 1882, the functions of that Committee had terminated. One of the members who composed it had left Japan three years ago and another had also been absent for some months. Moreover, there remained in the present Conference only two or three members of the Conference which had appointed this Special Committee. It would seem to be the case, however, that there was a Committee, of whose existence he had only been informed the previous evening. He therefore requested the President to give him explanations on these points.

The President replied that the document referred to by Mr. Sienkiewicz was a portion of the result of the labors of the Committee appointed by the Conference of 1882 to consider questions relating to the tariff.

Mr. van der Pot stated that a Committee had been appointed by the Conference of 1882 to consider matters affecting the tariff. Protocol No. 10 of the Preliminary Conference showed the manner in which the Committee was selected and the object for which it was appointed. Its members were Sir Harry Parkes, Mr. Shioda, Mr. Zappe and himself.

The Protocols of the Preliminary Conference of 1882 were brought in and consulted by several Delegates.

The Belgian Delegate expressed the wish to know in what character the report of the

communiqué aux Délégués; si c'est simplement à titre d'information, ou à titre de communication officielle pouvant servir de base à des discussions.

Le Président, en réponse, fait observer que le document en question, ainsi qu'il l'avait déjà dit, et d'après sa manière d'envisager la chose, étant une portion de l'œuvre résultant des travaux de la Conférence préliminaire, il l'avait fait distribuer aux Délégués dans l'espoir qu'ils y trouveraient des renseignements utiles.

M. Sienkiewicz s'étonne que, si ce rapport a été présenté à la Conférence de 1882, il ne figure pas au nombre des annexes jointes aux protocoles de cette Conférence. Citant le texte de la circulaire qui accompagnait l'envoi de ce rapport, et où il est dit que "ce document était primitivement rédigé en anglais et que le désir du Ministre des Affaires Etrangères de le remettre le plus tôt possible entre les mains de Son Excellence le Ministre de France a pu seul l'empêcher d'en faire préparer un texte français", il observe que les termes de cette phrase étaient de nature à lui faire supposer qu'il s'agissait d'un document récent. En quatre ans, en effet, il est étrange qu'on n'ait pas eu le temps de le traduire. Le Ministre de France ajoute que, d'ailleurs, dans un rapport de la Chambre de Commerce de Yokohama qui vient d'être mis sous ses yeux à l'instant même, il voit ce même document reproduit sous la signature de plusieurs négociants de cette ville. Cela seul suffit à ôter à cette pièce tout caractère officiel.

Le Président répond que M. Zappe, en qualité de membre de la Commission nommée par la Conférence de 1882, pourra, sans doute, fournir des explications satisfaisantes et sur l'origine et sur l'objet de ce rapport.

M. Zappe croit être à même d'expliquer aux membres de la Conférence la nature du rapport qui leur a été communiqué la veille.— Au cours de la Conférence préliminaire de 1882, lorsqu'une Commission, dont faisait partie Sir Harry Parkes, M. van der Pot, M. Shioda et M. Zappe, fut nommée dans le but de déterminer la valeur des marchandises d'importation à soumettre à des droits spécifiques, cette commission fut autorisée à consulter divers négociants de Yokohama et à prendre leur avis

Special Committee had been communicated to the Delegates, whether merely for their information, or as an official communication upon which discussion might be based.

The President observed, in reply, that as the document in question was, as he had before observed, and as he understood the matter, a portion of the result of the labors of the Preliminary Conference, he had caused it to be submitted, in the hope that it might be found to contain useful information.

Mr. Sienkiewicz expressed his surprise that this report, if it had been presented to the Conference of 1882, did not appear as one of the annexes to the Protocols of that Conference.

Referring to the wording of the circular note which accompanied the document, in which it was stated that "the paper had been drawn up originally in English, and that the wish of the Minister for Foreign Affairs to place it in his (Mr. Sienkiewicz's) hands as soon as possible, were the only reasons which prevented him from having a French text prepared," Mr. Sienkiewicz observed that the wording of this phrase was such as to lead him to suppose that he had to deal with a document quite recently prepared. It was strange that in four years there had not been time to translate it. He added that he had just discovered that this same document signed by several Yokohama merchants was reproduced in a report of the Chamber of Commerce of Yokohama which had that instant been placed in his hands, a circumstance which, in his opinion, took away from the document all official character.

The President observed that Mr. Zappe, as a member of the Committee appointed by the Conference of 1882, would, no doubt, be able to furnish adequate information both as to the origin and the object of the report.

Mr. Zappe observed that he thought he could explain the nature of the report communicated to the members of the Conference on the previous day. When, during the Preliminary Conference of 1882, a Committee was nominated, consisting of the late Sir Harry Parkes, Mr. van der Pot, Mr. Shioda and himself, to determine the values of such imported goods that were to pay specific duties, the Committee in question was empowered to consult some merchants with the view of obtaining their

sur des questions techniques. Ce sont les vues exprimées par les négociants ainsi consultés qui figurent dans le rapport dont il s'agit.

Avant que la Commission eût terminé son œuvre, la Conférence se sépara, et le rapport, par conséquent, ne put lui être présenté. Mais il fut communiqué néanmoins au Ministère des Affaires Etrangères, afin d'offrir à ce département l'occasion de compléter le projet de tarif. On s'attendait, à cette époque, à ce que la Conférence se réunit de nouveau à bref délai pour terminer ses travaux. L'événement n'a pas répondu à cette attente; quatre années se sont écoulées depuis que les valeurs énoncées dans le rapport ont été déterminées, et des changements subséquents rendent nécessaire une révision de ces valeurs.

M. Sienkiewicz dit que, s'il a bien compris les explications du second Délégué d'Allemagne, ce document constituerait simplement un des éléments d'information qu'avait réunis la Commission pour s'éclairer, et que, par conséquent, il aurait dû rester ignoré de la Conférence qui n'avait à connaître que les conclusions de la Commission. Il propose donc que le document en question soit considéré comme nul et non avenu.

Sir Francis Plunkett juge que ce document n'offre qu'un intérêt historique. Il ne saurait être pris comme guide dans les discussions actuelles, car les valeurs ont baissé dans de grandes proportions depuis la préparation de ce rapport en 1882.

M. de Martino déclare que les conclusions du second Délégué d'Allemagne lui font partager l'opinion du Délégué de France.

Le Président ne voit pas la nécessité pour la Conférence de se prononcer formellement sur ce point. Les Délégués sont libres de considérer le rapport simplement à titre d'information et comme n'ayant aucun caractère officiel.

M. Hubbard, se référant au protocole N° 10 de la Conférence de 1882, page 339, lit le passage suivant:

"Tous les délégués, à l'exception du Ministre "des Etats- Unis, adhèrent au contre-projet, et "tous, excepté M. Bingham, se déclarent prêts "à en recommander l'adoption à leurs Gou- "vernements respectifs."

opinion upon technical points. The report under discussion contained the views of those merchants whose advice had been sought in the matter.

Before completing their task, the Conference was closed and the report was, therefore, not laid before it. It was however communicated to the Foreign Office, so as to afford that Department an opportunity of completing the tariff-draft. A speedy reopening of the Conference and conclusion of its labours was expected at the time. This had not, however, been the case; four years had elapsed since the values in the report in question were determined, and subsequent changes necessitated a revision of those values.

Mr. Sienkiewicz was of opinion, in the light of the explanation of the Second Delegate for Germany, that the document under consideration constituted merely one of the elements of information gathered by the Committee of 1882 for its own guidance. It occurred to him that on this account the Conference might properly have been left in ignorance of the report, and only made acquainted with the conclusions of the Committee. He therefore proposed that the document in question should be considered as null and void.

Sir Francis Plunkett considered that the document was only of historical interest. It could not serve as a guide for present discussion, as values had fallen greatly since the report was prepared.

Mr. de Martino stated that the conclusions formed by the Second Delegate of Germany caused him to concur in the opinion of the French Delegate.

The President did not perceive the necessity of any formal action upon this point. The Delegates were at liberty to consider the report in the light of information without any official character.

Mr. Hubbard referring to Protocol No. 10 of the Conference of 1882, Page 99, read the following extract:

"The counter-project was then accepted by "all the Delegates (excepting the Minister of the "United States) and they all agreed (with that "exception) to recommend it to their respective "Governments."

Le Délégué des Etats-Unis cite également ce passage du protocole Nº 16 du 27 Juillet 1882:

"Le Gouvernement japonais a proposé un "tarif dont le revenu approximatif a été estimé "à 4,000,000 de piastres par an. Les Délégués "étrangers, à l'exception du représentant des "Etats-Unis, en ont ensuite proposé un autre, "basé sur un droit *ad valorem* moyen de 10 à 11 "pour cent sur les articles d'importation, et "dont le revenu a été évalué à une somme "d'environ 3,300,000 piastres, ou, en ajoutant "à la valeur taxable des marchandises impor- "tées les frais accessoires qui les grèvent, à la "somme de 3,570,000 piastres par an. Ce "tarif a été agréé par le Gouvernement japonais "et recommandé à l'acceptation des Puissances "signataires. Le Délégué des Etats-Unis a été "seul opposant.

"Une Commission a été nommée par la "Conférence à l'effet de rechercher d'abord les "valeurs des marchandises d'importation et les "frais accessoires à ajouter dans l'évaluation des "droits, et ensuite de proposer quelles sont les "marchandises qui devraient être imposables de "droits spécifiques."

M. Hubbard ajoute que, dans le courant de l'année dernière, pendant une conférence officieuse tenue à la Légation d'Allemagne, le Comte Dönenhoff, alors Ministre d'Allemagne, l'avait invité à se joindre à l'accord intervenu au sujet du tarif entre les autres Puissances représentées à la Conférence préliminaire de 1882, et on lui avait donné à entendre à cette occasion que les Etats-Unis étaient la seule Puissance qui n'eût pas approuvé le tarif. Dans la pensée de M. Hubbard, la seule question à poser est celle-ci: Le projet actuellement présenté est-il celui qui a été approuvé en 1882? Si oui, ce point d'interrogation suffit à déterminer qui se considère comme lié par l'arrangement intervenu en 1882.

Le Président déclare qu'il ne veut pas engager pour le moment de discussion sur le tarif. Il demande que la Conférence veuille bien se prononcer sur l'adoption de l'ordre de discussion proposé par lui à la dernière séance.

Le Comte Zaluski, après avoir demandé la parole sur cette question, prononce le discours suivant:

"Mettant de côté les considérations person- "nelles qui pourraient me faire préférer d'ex-

Mr. Hubbard also quoted from Protocol No. 16 of July 27th 1882 as follows:—

"An import tariff estimated to yield a re- "venue of about $ 4,000,000 per annum was "proposed on the part of the Imperial Govern- "ment. Subsequently a tariff calculated to yield "about $ 3,300,000 (or with chages about $ 3, "570,000) on the basis of a mean *ad valorem* "duty of 10 or 11 per cent on articles of im- "portation, was proposed by the Foreign Dele- "gates (except the Representative of the United "States) and this tariff being accepted by the "Japanese Government was recommended to "the Treaty Powers, (the United States Delegate "only dissenting).

"A joint Committee was appointed by the "Conference to work out the values of the im- "ports and the changes to be added on calculat- "ing the rates of duties, also to propose the "articles for which specific duties should be "fixed."

In the course of last year, Mr. Hubbard added, at an informal Conference held at the German Legation, he had been invited by the then German Minister, Count Dönenhoff, to join the agreement in regard to the tariff already arrived at by the other Powers represented at the Preliminary Conference of 1882. He had on that occasion been given to understand that the United States furnished the only exception to the general agreement on the tariff.

The only question now, Mr. Hubbard was of opinion, was:— Is this project now presented the one thus agreed to in 1882? If so, the query was significant as to who considered himself bound by this agreement of 1882.

The President stated that he did not at present desire to enter upon the discussion of matters relating to the tariff, but wished to ask the Conference to express its opinion in regard to the acceptance of the order of discussion submitted by him at the last meeting for the adoption of the Conference by the Conference.

Count Zaluski asking permission to address the Conference upon this question, made the following speech:—

"Putting aside such personal conderations as "would prompt me to express my views on the

"primer en français mon avis sur le sujet qui "nous occupe, je veux essayer de le faire dans "un idiome plus familier au Président ainsi "qu'à plusieurs membres de notre réunion, "circonstance que je constate uniquement pour "qu'elle me serve d'excuse, et non pas pour "toucher au droit, d'ailleurs dûment établi, "d'employer dans nos pourparlers la langue "appelée diplomatique par excellence.

"Ceci posé, permettez-moi, mes chers Collè- "gues, d'indiquer succintement les raisons qui "nous conseillent de nous en tenir à l'ordre de "discussion que nous avons tout imprimé de- "vant les yeux.

"Il est indubitable que les matières soumises "à notre examen sont fort nombreuses et que "nous devrions hâter nos travaux en prévision "des chaleurs déjà proches de l'été et de leur "cortège souvent peu agréable. Dans ce but, "il serait utile, je pense, de faire d'emblée notre "profit de l'œuvre laborieusement préparée par "nos devanciers, parmi lesquels a marqué "l'homme éminent dont la mort n'a point ef- "facé le souvenir de ses rares qualités chez ceux "qui suivent de près la marche de affaires poli- "tiques de l'Extrême-Orient. Le nom de feu "Sir Harry Parkes nous est garant de l'exac- "titude apportée jusque dans les moindres dé- "tails du Contre-projet de tarif élaboré par les "Délégués de la première Conférence et accepté "par le Gouvernement Impérial du Japon. "Quelques-uns d'entre nous ont pris une part "active dans ce travail considérable, de sorte "qu'il semblerait opportun de commencer par "la partie de notre tâche qu'on peut, dans ses "grandes lignes, considérer comme à peu près "achevée et assurément comme d'une nature "moins sujette à controverse que le thème plus "compliqué sagement placé par notre Président "à la fin de sa liste.

"Sur ce point, je prends la liberté de vous "faire observer que la réforme judiciaire, dans "le sens complet du mot, n'étant pas encore "accomplie au Japon, les questions qui s'y "rattachent ne sauraient, même dans l'idée du "Gouvernement japonais, être dès à présent "résolues définitivement. Nous n'aurons pro- "bablement à accorder qu'une juridiction limitée "aux autorités locales, et cela sous certaines "conditions à déterminer d'avance. Quant à "la partie plus sérieuse du problème, nous

"subject in French, I venture to do it in words "perhaps better understood by the President "and some of the members of our Conference, "a circumstance which I mention merely as an "apology for myself, and not at all by way of "questioning the well established right of using "in our debates the language known as the "diplomatic *par excellence*."

"This kindly conceded, allow me, my dear "colleagues, to state briefly the several reasons "which seem to me to favor the adoption of the "printed order of discussion lying before us.

"There is but little doubt that the matters to "be examined by us are numerous enough, and "that we should hasten our proceedings in an- "ticipation of the approaching summer, its "attendant heat, and its possible unpleasant "concomitants. It would, I believe, further "that end, if we took advantage at once of the "work already laboriously prepared by our "predecessors, among whom was that eminent "man, whose lamented death has not effaced "the recollection of his high qualities and "achievements in the minds of all those who are "acquainted with the politics of the Far East. "The name of the late Sir Harry Parkes is a "guarantee for the accuracy of the counter- "tariff proposed by the Foreign Delegates of "the former Conference, and accepted by the "Imperial Japanese Government. Some of us "have taken a conspicuous part in this impor- "tant labour, and it would therefore be advisa- "ble to begin with that portion of our task "which, without entering into its details, may "be looked upon as nearly finished and, I think "you will agree with me, as less debatable "than the more complicated theme which our "President has wisely placed at the end of his "list.

"With regard to this latter subject, I am of "the opinion that judicial reform in its fullest "sense not being yet accomplished in Japan, "the questions connected with it cannot, even "in the contemplation of the Japanese Govern- "ment itself, be definitely decided at present. "We should then only enquire into the measure "of jurisdiction which, under certain conditions, "may be conceded to the local authorities, and, "as to the remaining and far more important "part of the problem, content ourselves with

"devrons, si je ne me trompe, nous contenter de "poser des principes généraux, en réservant à "l'avenir leur application pratique. Je ne "pense pas qu'il existe entre les questions de "juridiction et de commerce des affinités telle- "ment étroites qu'on ne puisse régler ces "dernières qu'après avoir résolu les autres.

"Un argument encore que je me permets de "soumettre à votre appréciation et sur lequel je "voudrais appuyer plus particulièment, c'est le "fait que le Projet de Convention, s'il venait à "être discuté dans un ordre différent de celui "qui a présidé à sa rédaction, cesserait de nous "servir de guide ou enquelque sorte de fil "d'Ariane dans le labyrinthe de nos délibéra- "tions. A part la difficulté d'arriver au choix "unanime d'un système nouveau, si excellent "qu'il puisse paraître, les divergences dans les "idées individuelles sur la meilleure méthode à "suivre pourraient bien, je l'appréhende, jeter "dès l'abord un peu de confusion dans notre "tâche, en arrêter les progrès et nous prendre "beaucoup de temps. Or, quelle que soit "l'ordonnance de notre table des matières, "nous sommes tenus de l'épuiser en entier, et "il serait, par conséquent, à désirer que nous "abordions cette longue besogne par la route la "plus courte et la mieux frayée.

"Je conclus en vous recommandant, mes chers "Collègues, l'adoption pure et simple du plan "de discussion proposé par le Comte Inouyé."

Le Délégué de France reconnait la sagesse des observations présentées par le Comte Zaluski, et il déclare, ainsi que les Délégués de la Grande-Bretagne et de l'Allemagne, approuver le plan de discussion proposé par le Président.

Le Délégué de Russie, sans partager entièrement les considérations émises par le Ministre d'Autriche-Hongrie, se rallie à sa proposition d'adopter pour les délibérations l'ordre de matières présenté par le Président.

M. Neyt approuve également l'adoption de l'ordre de discussion proposé par le Président, mais sous la réserve que la Conférence sera toujours libre, en cas de nécessité, de le modifier; en effet, telles circonstances peuvent se produire qui mettent la Conférence dans l'obligation de s'écarter de l'ordre établi.

Les Délégués de la France, de la Grande-Bretagne et de l'Allemagne expriment leur

"establishing general principles, and leaving "their practical application to the future. "Personally I do not consider the jurisdictional "questions to be so closely allied to the com- "mercial as to make the discussion of the second "dependent on the solution of the first.

"Another argument which I take the liberty "to submit, and on which I wish to lay partic- "ular stress, is the fact that the Draft Conven- "tion, if discussed in a different order to that "followed in the document, will cease to be of "any use to us as a guide, or as a kind of "Ariadne's thread in the labyrinth of our delib- "erations. Apart from the difficulty in secur- "ing an unanimous approval of a new scheme, "excellent as it may prove to be, the divergent "individual ideas on the best method of proceed- "ing would, I am afraid, produce some confus- "ion at the very outset of our work stop its "progress, and entail much loss of time. For "my part, I am thoroughly convinced that, "whatever may be the arrangement of our table "of matters for discussion, we are bound to go "through its entirety, and we ought to choose "the shortest and already most well beaten "track.

"I conclude by recommending to you, my "dear Collegues, the adoption, pure and simple, "of the order of discussion proposed by Count "Inouye."

The Delegate of France recognized the wisdom of Count Zaluski's observations, and, together with the Delegates of Great Britain, and the United States, signified his approval of the order of discussion proposed by the President.

The Delegate for Russia observed that, without sharing entirely the views expressed by Count Zaluski, he concurred in his proposal to adopt the order of discussion proposed by the President.

Mr. Neyt observed that he also favored the adoption of the order of discussion proposed by the President, with the modification that the Conference should always be free in case of necessity to alter it, inasmuch as circumstances might arise which would render it advisable for the Conference to depart from the order established.

The Delegates for France, Great Britain, and Germany gave their adherence to this reserva-

adhésion à la réserve formulée par le Délégué de Belgique.

Le Comte Zaluski fait remarquer qu'il n'a jamais eu la pensée qu'en acceptant sa proposition la Conférence dût se lier au point que sa liberté d'action pût s'en trouver entravée.

Le Président déclare approuver entièrement la réserve faite par M. Neyt; tout ce qu'il demande, c'est que la Conférence accepte l'ordre proposé comme règle générale.

La proposition du Comte Zaluski est adoptée avec la réserve mentionnée.

La Conférence décide ensuite qu'elle se réunira une fois par semaine, la date de chaque séance devant être fixée et annoncée à la fin de la séance précédente.

Sur la proposition du Président, la date de la séance suivante est fixée au vendredi 28 mai, à 2 heures de l'après-midi.

La séance est levée à 4 heures 20 minutes.

Signé :

SIENKIEWICZ.
R. DE MARTINO.
G. NEYT.
HOLLEBEN.
ZAPPE.
J. DELAVAT.
SPEYER.
A. WOLFF.

tion.

The Delegate for Austria-Hungary observed that it was not his intention that the Conference by adopting this proposition should bind itself so strictly as to fetter its liberty of action.

The President stated that he agreed entirely to the reservation of Mr. Neyt, and that all he desired was that the Conference should accept the order proposed for its general guidance.

The proposal of Count Zaluski was then agreed to, with the reservation noted.

The Conference decided to meet once every week, the date of each meeting to be determined and announced at the close of the one immediately preceding.

On the proposal of the President, Friday, the 28th of May, at 2 o'clock in the afternoon, was fixed as the date of the next meeting.

The meeting adjourned at 20 minutes past 4 o'clock in the afternoon.

Signed :

INOUYE KAORU.
AOKI.
ZALUSKI.
F. R. PLUNKETT.
RICHARD B. HUBBARD.
J. J. VAN DER POT.
J. LOUREIRO.

Certifié conforme à l'original :

SAITO SHUICHIRO.
BARON DE SIEBOLD.

Certified to be a correct copy :

D. W. STEVENS.
JOHN H. GUBBINS.
P. DE LUCY-FOSSARIEU.

PROTOCOLE Nº 3.

SÉANCE DU 28 MAI 1886.

PROTOCOL Nº 3.

MEETING OF THE 28TH MAY, 1886.

PROTOCOLE Nº 3.

SÉANCE DU 28 MAI 1886.

La Conférence s'est réunie à deux heures de l'après-midi, sous la présidence du Comte Inouyé.

Etaient présents:

Pour le Japon:
Le Comte Inouyé et M. Aoki;
Pour la France:
M. Sienkiewicz;
Pour l'Autriche-Hongrie:
Le Comte Charles Zaluski:
Pour la Grande-Bretagne;
Sir Francis R. Plunkett;
Pour l'Italie:
M. de Martino;
Pour la Belgique:
M. Neyt;
Pour les Etats-Unis d'Amérique;
M. Hubbard;
Pour l'Allemagne:
M. von Holleben et M. Zappe;
Pour les Pays-Bas, pour la Suède et la Norvège, et pour le Danemark:
M. van der Pot;
Pour l'Espagne:
M. Delavat;
Pour le Portugal:
M. Loureiro;
Pour la Russie:
M. de Speyer;
Pour la Confédération suisse:
M. von Holleben et M. Wolff.

Le Président propose que la Conférence, conformément à l'ordre de discussion adopté à la dernière séance, aborde l'examen du sujet qui figure le premier dans cet ordre, c'est-à-dire du tarif.

M. von Holleben demande à appeler l'attention sur le passage suivant du protocole de la dernière séance:

"Sir Francis Plunkett fait observer que, "dans une certaine mesure, il y aura également "des différences dans le fond. L'Angleterre, "par exemple, devra insérer dans sa convention "une clause relative aux colonies, ce qui ne sera "pas nécessaire pour les autres Puissances.

PROTOCOL Nº 3.

MEETING OF 28TH MAY, 1886.

The Conference met at 2 o'clock in the afternoon, under the presidency of Count Inouye.

There were present:

For Japan:
Count Inouye and Mr. Aoki;
For France:
Mr. Sienkiewicz;
For Austria-Hungary:
Count Charles Zaluski;
For Great Britain:
Sir Francis R. Plunkett;
For Italy:
Mr. de Martino;
For Belgium:
Mr. Neyt;
For the United States of America:
Mr. Hubbard;
For Germany:
Mr. von Holleben and Mr. Zappe;
For the Netherlands, for Sweden and Norway, and for Denmark:
Mr. van der Pot;
For Spain:
Mr. Delavat;
For Portugal:
Mr. Loureiro;
For Russia:
Mr. de Speyer;
For the Swiss Confederation:
Mr. von Holleben and Mr. Wolff.

The President proposed that the Conference should, in accordance with the order of discussion adopted at the last meeting, proceed with the consideration of the first subject in that order, which was the tariff.

Mr. von Holleben desired to draw attention to the following passage in the Protocol of the last meeting:

"Sir Francis Plunkett observed that, to a "certain extent, there would be differences also "of substance. England must, for instance, "have an article in her Convention regarding "Colonies, which would not be required by "other Powers; other differences, also, might be

"D'autres différences pourront aussi s'imposer "dans diverses conventions."

Le Délégué d'Allemagne se souvient nettement de cette observation du Délégué de la Grande-Bretagne; mais le passage en question ne figurant pas dans le premier projet de protocole soumis à l'approbation des Délégués, il n'avait pas cru devoir relever le fait. Toutefois, et puisque cette observation faite par Sir F. Plunkett à la séance du 22 a été insérée dans la copie révisée du protocole, il se voit dans l'obligation de faire remarquer que les Délégués des autres Puissances qui possèdent des colonies se trouvent dans la même situation que le Délégué d'Angleterre et qu'ils doivent faire la même réserve.

M. Sienkiewicz ajoute qu'une Puissance ne peut évidemment stipuler que pour les pays pour lesquels elle a le droit de le faire. Si certaines colonies, comme le Canada, par exemple, ont leur autonomie, il est clair que l'Angleterre ne saurait stipuler pour elles.

Sir Francis Plunkett explique que, dans les observations formulées par lui sur ce point à la dernière séance, telles qu'elles sont rapportées au protocole et auxquelles le Délégué d'Allemagne fait allusion, la phrase "*ce qui ne sera "pas nécessaire pour les autres Puissances*" devrait se lire: "*ce qui pourra n'être pas nécessaire pour d'autres Puissances.*"—Le Ministre d'Angleterre n'avait vu que le texte anglais du protocole et n'avait pas connaissance de la rédaction française.

Le Président propose que le protocole de la dernière séance soit tenu pour lu.

Il est procédé en conséquence à la signature du protocole N° 2.

Le Président prononce alors en anglais le discours suivant:

"Messieurs

Pour nous conformer à l'ordre de discussion "adopté lors de notre dernière réunion, je "viens appeler votre attention sur le sujet qui "se présente le premier sur la liste, celui du "tarif révisé. Avant d'aborder l'examen du "projet que j'ai eu l'honneur de vous soumettre, "il n'est peut-être pas inutile que je rappelle "brièvement les considérations qui ont conduit "le Gouvernement Impérial à se placer dans "cette question sur le terrain où il désire "continuer à se maintenir.

"requisite in various Conventions."

He, Mr. von Holleben, had a clear recollection of this observation of the Delegate of Great Britain, but the passage in question not having appeared in the first draft of the Protocol submitted to the Delegates for their approval, he had not considered it necessary to draw attention to the point. As, however, this observation made by Sir Francis Plunkett at the meeting of the 22nd instant, had now been inserted in the revised copy of the Protocol, he felt himself compelled to explain that the Delegates of the other Powers who possessed Colonies were in the same position as the Delegate of Great Britain and must make the same reservation.

Mr. Sienkiewicz added that it was clear that a State could only make stipulations on behalf of those countries in regard to which she had the power to make them. If certain colonies, like Canada for instance, were autonomous, it was evident that Great Britain could not make stipulations for them.

Sir Francis Plunkett explained that in the observations made by him at the last meeting on this subject,—as recorded in the Protocol,—to which the Delegate of Germany had called attention, the passage "*which would not be required by other countries*" should read "*which might not be required by other countries.*" He had only seen the English text of the Protocol, and was not aware of the wording of the French text.

The President proposed that the Protocol of the last meeting be taken as read:—

Protocol 2 was then signed.

The President then made the following speech in English:—

Gentlemen:

"Following the plan agreed to at our last "meeting, I now desire to invite your atten-"tion to the subject first in order, the revised "tariff. Before proceeding to the consideration "of the draft which I have had the honor to "lay before you, it may not be out of place for "me to briefly recapitulate the reasons which "have induced His Imperial Majesty's Govern-"ment to assume the position they now desire "to maintain upon this subject.

"Lorsque le projet de tarif proposé par le "Gouvernement japonais fut soumis à la "Conférence de 1882, j'eus l'honneur, en ma "qualité de premier Délégué du Japon, de faire "ressortir que l'on s'était particulièrement "attaché, dans la préparation de ce projet, à se "garder de tout ce qui aurait pu entraver le "libre développement du commerce, et que, en "même temps, chaque article avait été l'objet "d'une étude minutieuse dans le but d'éviter toute "inégalité et toute différence dans la répartition "de l'augmentation que l'on voulait réaliser.

"Bien que plusieurs d'entre les Délégués "étrangers eussent jugé acceptable le tarif "ainsi proposé et accompagné de ces explications, "l'impression plus générale parut être que "certains changements étaient nécessaires. En "conséquence, un contre-projet fut préparé et "soumis à la Conférence, au nom de la majorité "des Délégués étrangers, par Sir Harry Parkes, "alors Ministre d'Angleterre. Sir Harry Parkes "expliqua que, la surélévation de tarif ayant "pour objet de produire une augmentation de "revenus aussi considérable qu'il était compatible "avec l'expansion normale du commerce, les "Délégués étrangers, après avoir soigneusement "étudié à nouveau l'ensemble de la question, et "après avoir fait ce qui était en leur pouvoir "pour concilier tous les intérêts en jeu, étaient "d'avis que les quotités établies par eux consti-"tuaient une solution juste et équitable. Le "contre-projet ainsi proposé reçut l'adhésion de "tous les Délégués étrangers à une seule excep-"tion près. Le motif principal qui détermina "le Ministre des Etats-Unis à se séparer sur ce "point de ses collègues fut que les propositions "primitives du Gouvernement japonais lui "semblaient modérées et de nature à mériter "d'être acceptées sans modification ni réduction.

"Animé d'un sentiment de conciliation, le "Gouvernement japonais accepta le contre-"projet, dans l'attente que ce contre-projet "pourrait être mis en pratique dans un délai "relativement court.

"Ayant ainsi fait ce qui dépendait de lui "pour faciliter une entente définitive sur l'une "des questions principales de la révision des "traités, on reconnaîtra, je veux l'espérer, que "le Gouvernement japonais a de sérieux motifs "d'être opposé à ce que la discussion soit "rouverte sur un arrangement qu'il avait accepté "comme définitif.

"When the Draft Tariff proposed on behalf "of the Japanese Government was submitted to "the Conference of 1882, I had the honor to "state, in the capacity of First Delegate for "Japan, that especial care had been taken in "its preparation to avoid interference with the "natural expansion of commerce, while every "item had been minutely examined for the "purpose of avoiding, in the distribution of the "desired increase, the creation of inequalities "or discriminations.

"Although several of the Foreign Delegates "expressed the opinion that the tariff thus "proposed and explained was acceptable, the "more general impression seemed to be that "certain changes were necessary. A counter-"project was accordingly prepared, and was "submitted to the Conference on behalf of the "majority of the Foreign Delegates by Sir "Harry Parkes, at that time Her Britannic "Majesty's Minister. Sir Harry explained that "'the object of the increase of tariff rates being "'to obtain as large an augmentation of revenue "'as was compatible with a healthy expansion of "'trade, the Foreign Delegates, after carefully "'reviewing the whole field, and doing what "'was possible to reconcile the interests of all "'concerned, were of opinion that the schedule "'of tariff rates agreed to by them was a just and "'equitable solution of the question'. The "counter-project thus submitted received the "adhesion of all of the Foreign Delegates, with "one exception. The United States Minister "dissented, chiefly on the ground that the orig-"inal proposals of the Japanese Government "were moderate and worthy of acceptance, with-"out modification or reduction.

"Animated by a spirit of conciliation the "Japanese Government accepted the counter-"project, in the expectation that it would be "possible to bring it into operation within a "comparatively brief period.

"Having thus done what lay in their power "to secure final agreement upon one of the im-"portant branches of treaty revision, I feel "confident that it will be admitted that they "have ample cause to be averse to any reconsid-"eration of an arrangement which they have "accepted as definitively concluded.

"Ainsi qu'on l'a noté dans le Mémorandum "de 1884, le tarif adopté lors de la Conférence "préliminaire est un compromis entre des intérêts "multiples, compromis auquel on n'a pu arriver "qu'après de longues et patientes études, et "toute modification apportée à une partie quel-"conque de ce document entraînera sans doute "la nécessité de reprendre l'examen de la ques-"tion dans son ensemble, et, par suite, une "grande perte d'un temps précieux. Je "suis persuadé que vous déploreriez comme "moi un pareil résultat, d'autant plus que vous "constaterez, je n'en doute point, que, dans la "préparation de ce tarif révisé, les intérêts "commerciaux des Puissances contractantes ont "été l'objet de la considération impartiale et "complète à laquelle ils ont droit.

"L'examen de la question que nous avons à "résoudre se trouvera peut-être facilité, si j'ajoute "un mot d'explication relativement au docu-"ment qui a été communiqué à la Conférence, "au cours de la dernière séance, sous le titre de "'Rapport de la Commission spéciale.' Ainsi "que je l'ai déclaré à cette occasion, je ne de-"mande pas que l'on attache à ce document un "caractère absolument officiel. Cette pièce vous "a été communiquée uniquement pour votre "information, parce que j'ai pensé qu'il était "juste que vous eussiez à votre disposition tous "les moyens possibles de juger des procédés em-"ployés pour l'élaboration du contre-projet de "tarif. Le projet de révision du tarif proposé par "le Gouvernement Impérial à la Conférence de "1882 renfermait tous les éléments essentiels à "l'établissement d'un tableau de quotités com-"prenant des droits tant *ad valorem* que spécifi-"ques. Le contre-projet de tarif a nécessaire-"ment modifié ces éléments, mais il n'a pas "porté atteinte au principe d'après lequel le tarif "devait être mixte, en partie spécifique, en partie "*ad valorem*.

"Lorsque le moment arriva de vous soumet-"tre un projet de tarif révisé, complet dans "tous ses détails, j'ai mis à profit les données "que je possédais, celles résultant des travaux "de la Commission de 1882, et c'est à l'aide de "ces seules données que j'ai rédigé le projet que "vous avez actuellement entre les mains.—En "déterminant les quotités du tarif spécifique sur "les bases des valeurs taxables données et de "leurs équivalents *ad valorem*, le système qu'on "avait adopté pour le calcul des décimales a

"As was stated in the Memorandum of 1884, "'the Tariff agreed to at the Preliminary Con-"'ference is a compromise of many interests "'arrived at after much patient study, and any "'disturbance of a part of it will probably entail "'a general reconsideration of the whole ques-"'tion, and consequently much loss of valuable "'time.' I feel assured that you would depre-"cate this result equally with myself, more "especially as I am confident that you will "find that in the preparation of this revised "tariff the commercial interests of each of the "Treaty Powers have received the full and im-"partial consideration to which they are en-"titled.

"It may perhaps facilitate the consideration "of the subject before us, if I offer a word of "explanation in relation to the document laid "before the Conference at its last meeting "entitled 'Report of the Special Committee'. As "I stated on that occasion, I do not wish to have "any essentially official character attached to "that document. It was submitted for your "information merely, because I felt that it was "due to you that you should have all available "means of judging of the methods which were "employed in the elaboration of the tariff "counter-project. The scheme of tariff revision "proposed by His Imperial Majesty's Govern-"ment at the Conference of 1882 contained all "the elements essential to a schedule of tariff "rates composed of *ad valorem* and specific "duties. The tariff counter-project necessarily "modified these elements, but did not change "the principle that the tariff was to be a "mixed one, partly specific and partly *ad* "*valorem*.

"When the time arrived to lay before you a "Draft Revised Tariff, complete in all its "details, I availed myself of the data in my "possession representing the results of the "labors of the Committee of 1882, and, employ-"ing those data alone, formulated the draft "you now have in your hands. In estimating "specific rates of duty from the given dutiable "values and *ad valorem* equivalents, a method "of dealing with decimals was adopted which, "in certain cases, has produced a trifling

"donné lieu, dans certains cas, à un excédant "insignifiant. Il est facile, au reste, de remé- "dier à cet inconvenient en employant un autre "mode de computation.

"A tous autres égards, vous reconnaîtrez, je "l'espère, que le projet correspond dans ses "points essentiels au plan de révision du tarif "accepté par la Conférence de 1882."

M. Neyt fait remarquer qu'il serait désirable que le discours du Président fût traduit en français. Il n'a pu, en effet, de même qu'un grand nombre des autres membres de la Conférence, saisir complétement et dans son entier le sens de ce discours.—A une observation que formule à ce sujet le Délégué des Etats-Unis, qui émet l'avis que, s'il est nécessaire de faire ainsi la traduction de toute communication à la Conférence, cela retardera sensiblement les débats, le Délégué de Belgique replique que, dans un cas analogue, Mr. Hubbard désirerait assurément obtenir la traduction anglaise de toute proposition importante soumise à la Conférence en français.

M. Hubbard, en réponse, acquiesce à cette dernière remarque du Délégué de Belgique.

Le Président invoque la décision prise par la Conférence dans sa première séance et d'après laquelle les Délégués sont libres de faire usage de la langue qui leur convient.

Le Délégué de Belgique répond qu'il n'a jamais entendu prier le Président de prononcer son discours en français; il demande seulement que le Baron de Siebold veuille bien en faire la traduction française. Il ne fait en cela que réclamer l'application d'un principe qui a été admis à la première séance de la Conférence.

M. Sienkiewicz déclare que lui-même n'a pu suivre tous les développements du discours du Président. Mais, comme la question se réduit, en somme, au point de savoir si oui ou non la Conférence est disposée à adopter le projet de tarif, il lui semble que l'on peut passer outre et aborder la discussion du tarif lui-même.

Le Délégué d'Italie, considérant l'importance d'un discours prononcé par le Président pour manifester les vues et les intentions de son Gouvernement, est d'avis qu'on ne peut que tenir compte du fait que son entière signification

"excess. This may, however, be easily reme- "died by the adoption of another method of "calculation.

"In other respects I am confident that you "will find that the draft corresponds in all "important particulars with the scheme of "tariff revision agreed to at the Conference of "1882."

Mr. Neyt remarked that it would be desirable that the speech of the President should be translated into French. He had not, in fact, in common with a great number of the other members of the Conference, been able to comprehend completely and entirely the purport of this speech. In reply to an observation on this subject by the Delegate of the United States, who suggested that if it was necessary to translate every communication made to the Conference, the discussions would be seriously delayed, the Delegate of Belgium replied that in a similar case Mr. Hubbard would certainly wish to be supplied with an English version of any important proposition submitted to the Conference in French.

Mr. Hubbard, in response, assented to this last remark of the Delegate of Belgium.

The President drew attention to the decision of the Conference at its first sitting, that each Delegate should be allowed to use the language which he preferred.

The Delegate of Belgium replied that he had never meant to ask the President to deliver his speech in French; all he asked was that Baron von Siebold would be so kind as to give a French translation of it. In making this request, he was only demanding the application of a principle which had been admitted at the first sitting of the Conference.

Mr. Sienkiewicz remarked that he himself had not been able to follow completely the purport of the President's speech. As the question before them at present, however, was whether the Conference should or should not adopt the Tariff-Project, it appeared to him that the point raised might be waived, and that discussion on the tariff should proceed.

The Delegate of Italy, taking into consideration the importance of a speech delivered by the President for manifesting the views and the intentions of the Japanese Government, was of opinion that the fact that its entire signification

n'a pas été saisie par quelques Délégués.

M. de Martino propose par conséquent que la Conférence s'ajourne au lendemain ou à un jour prochain, et que le discours du Président soit traduit dans l'intervalle par les membres du Secrétariat.

M. van der Pot rappelle le principe établi par la Conférence dans la première séance pour la réglementation des discussions ultérieures, et d'après lequel "toute proposition d'un caractère "important devra être rédigée par écrit et ne "pourra être discutée qu'à la séance suivante."

M. Sienkiewicz répond que le principe invoqué par le Délégué des Pays-Bas s'applique seulement à des propositions *nouvelles*. Le discours du Président ne contient aucune question nouvelle, mais se réfère uniquement au tarif soumis à la discussion.

Le Délégué de France ajoute, en réponse à une observation du Délégué des Etats-Unis, que la Comte Inouyé se trouve dans une situation toute différente de celle des autres Délégués. Il représente, en effet, le Gouvernement japonais, c'est-à-dire le Gouvernement qui a demandé la révision des traités et dont les propositions constituent le point de départ des discussions de la Conférence.

M. Neyt exprime l'avis que le discours prononcé par le Président est d'une trop grande importance pour qu'il ne soit pas fort désirable que la traduction française en soit soumise à la Conférence en même temps que la traduction anglaise. Le discours du Président lui semble avoir une grande portée, en ce sens qu'il résume les vues du Gouvernement japonais sur la question du tarif. Il est difficile d'admettre que l'on puisse entamer la discussion d'un des points les plus importants sur lesquels la Conférence aura à délibérer sans que l'exposé que vient de faire le Comte Inouyé ait été parfaitement compris par tous les Délégués. Il pourra ne pas être inutile également de laisser à la Conférence le temps de lire à tête reposée la communication du Président.

M. von Holleben dit qu'il est évident que plusieurs membres désirent avoir la traduction française du discours du Président, et que dès lors la seule question à décider est celle du délai nécessaire pour la préparation de cette

had not been comprehended by some Delegates must be taken into account.

Mr. de Martino therefore proposed that the Conference should adjourn until the next day, or some early date, and that the President's speech should be translated in the interval by the members of the Secretariat.

Mr. van der Pot wished to call the attention of the Conference to the rule adopted at the first sitting of the Conference for the regulation of its future proceedings, by which it was laid down that "any new proposition of an important "nature should be drawn up in writing and "could only be discussed at the meeting follow-"ing that at which it was brought forward."

Mr. Sienkiewicz observed that the rule referred to by the Delegate of the Netherlands applied only to *new* propositions. The speech of the President introduced no new subject, but related to the tariff which was under discussion.

The Delegate of France added, in reply to an observation made by the Delegate of the United States, that Count Inouye was in a position quite different to that of the other Delegates. He represented in fact the Japanese Government, that is to say, the Government which had asked for a revision of the Treaties, and whose propositions constituted the "*point de départ*" for the discussions of the Conference.

Mr. Neyt was of opinion that the speech delivered by the President was of such great importance, that it was very desirable that a French translation of it should be presented to the Conference together with the English version. The speech of the President appeared to him to be of special importance because it summarized the views of the Japanese Government on the question of the tariff. It was difficult to admit the possibility of opening discussion on one of the most important points upon which they were to deliberate, unless the statements just made by Count Inouye had been completely understood by all. It was equally advisable that the Conference should have time to peruse at its leisure the communication of the President.

Mr. von Holleben said it was clear that a French translation of the President's speech was desired by several members, and it seemed to him therefore that the only point to be decided was how long a period would be

traduction.

Le Président déclare qu'il comprend et approuve les observations faites par le Délégué de Belgique, et il demande que la Conférence se range à la proposition du Délégué d'Italie et remette la discussion du tarif à la prochaine séance; d'ici là la traduction de son discours aura pu être préparée. Il propose, en conséquence, que la Conférence s'ajourne au lundi 31 mai, à 2 heures de l'après-midi.

La Conférence adopte la proposition du Président.

Sir Francis Plunkett émet le vœu que les deux textes anglais et français du discours du Président figurent, pour l'information des Délégués, au protocole de la présente séance.

Cet avis est partagé par la Conférence, et la séance est levée à 3 heures un quart.

Signé:

SIENKIEWICZ.
R. DE MARTINO.
G. NEYT.
HOLLEBEN.
ZAPPE.
J. DELAVAT.
SPEYER.
A. WOLFF.

required for the preparation of this translation.

The President said that the he fully sympathized with the observation made by the Delegate of Belgium, and suggested that the Conference should adopt the proposal of the Delegate of Italy and postpone the discussion of the tariff until the next meeting, by which time a French translation of his speech could be prepared. He proposed, therefore, that the Conference should adjourn until Monday the 31st instant at 2 o'clock.

The Conference adopted the President's proposal.

Sir Francis Plunkett suggested that both the French and English texts of the President's speech should, for the information of the Delegates, appear in the Protocol of to-day's sitting.

This suggestion was adopted, and the meeting terminated at a quarter past 3 o'clock.

Signed:

INOUYE KAORU.
AOKI.
ZALUSKI.
F. R. PLUNKETT.
RICHARD B. HUBBARD.
J. J. VAN DER POT.
J. LOUREIRO.

Certifié conforme à l'original:

SAITO SHIUICHIRO.
BARON DE SIEBOLD.

Certified to be a correct copy:

D. W. STEVENS.
JOHN H. GUBBINS.
P. DE LUCY-FOSSARIEU.

PROTOCOLE Nº 4.

SÉANCE DU 31 MAI 1886.

PROTOCOL Nº 4.

MEETING OF THE 31ST MAY, 1886.

PROTOCOLE Nº 4.

SÉANCE DU 31 MAI 1886.

La Conférence s'est réunie à 2 heures de l'après-midi, sous la présidence du Comte Inouyé.

Etaient présents:

Pour le Japon:
Le Comte Inouyé et M. Aoki;
Pour la France:
M. Sienkiewicz;
Pour l'Autriche-Hongrie:
Le Comte Charles Zaluski;
Pour la Grande-Bretagne:
Sir Francis R. Plunkett;
Pour l'Italie:
M. de Martino;
Pour la Belgique:
M. Neyt;
Pour les Etats-Unis d'Amérique:
M. Hubbard;
Pour l'Allemagne:
M. von Holleben et M. Zappe;
Pour les Pays-Bas, pour la Suède et la Norvège, et pour le Danemark:
M. van der Pot;
Pour l'Espagne:
M. Delavat;
Pour le Portugal:
M. Loureiro;
Pour la Russie:
M. de Speyer;
Pour la Confédération suisse:
M. von Holleben et M. Wolff.

Le Président propose tout d'abord qu'il soit procédé à la signature du protocole de la séance précédente, et demande si auparavant les Délégués ont quelques observations à faire.

Sir Francis Plunkett regrette de se voir dans l'obligation d'appeler l'attention de la Conférence sur un paragraphe du protocole de la troisième séance, contenant l'observation suivante formulée par le Délégué de France:

"M. Sienkiewicz ajoute qu'une Puissance ne "peut évidemment stipuler que pour les pays "pour lesquels elle a le droit de le faire. Si "certaines colonies, comme le Canada, par ex-

PROTOCOL Nº 4.

MEETING OF 31ST MAY, 1886.

The Conference met at 2 o'clock in the afternoon, under the presidency of Count Inouye.

There were present:

For Japan:
Count Inouye and Mr. Aoki;
For France:
Mr. Sienkiewicz;
For Austria-Hungary:
Count Charles Zaluski;
For Great Britain:
Sir Francis R. Plunkett;
For Italy:
Mr. de Martino;
For Belgium:
Mr. Neyt;
For the United States of America:
Mr. Hubbard;
For Germany:
Mr. von Holleben and Mr. Zappe;
For the Netherlands, for Sweden and Norway, and for Denmark:
Mr. van der Pot;
For Spain:
Mr. Delavat;
For Portugal:
Mr. Loureiro;
For Russia:
Mr. de Speyer;
For the Swiss Confederation:
Mr. von Holleben and Mr. Wolff.

The President proposed that the Protocol of the previous sitting should be signed, and enquired whether before doing so any Delegate had any remarks to offer.

Sir Francis Plunkett regretted to have to call the attention of the Conference to a passage in the Protocol of the third meeting in which the Delegate of France was represented to have said as follows:—

Mr. Sienkiewicz added that "it was clear "that a State could only make stipulations on "behalf of those countries in regard to which "she had the power to make them. If certain

"emple, ont leur autonomie, il est clair que
"l'Angleterre ne saurait stipuler pour elles."

Le Délégué d'Angleterre cite le texte français, comme étant celui que signe le Délégué de France.

M. Sienkiewicz a confondu le pouvoir dont jouissent certaines colonies anglaises de fixer elles-mêmes leur tarif de douanes avec le droit de conclure des traités avec les Puissances étrangères: ce dernier droit est, dans tous les cas, réservé uniquement, et d'une façon absolue, au Souverain et au Gouvernement de la Grande-Bretagne.

Sir Francis Plunkett se hâte de rectifier cette erreur, et il doit revendiquer pour le Ministre d'Angleterre le privilège exclusif de définir les pouvoirs qu'exerce la Grande-Bretagne sur ses propres possessions.

M. Sienkiewicz répond que lorsque son honorable collègue d'Angleterre crut devoir déclarer, à la séance du 22 de ce mois, qu'il serait obligé d'insérer dans la Convention une clause spéciale relative aux colonies, ce qui, ajoutait-il, ne serait point nécessaire pour les autres Puissances, son impression a été que Sir Francis Plunkett faisait cette réserve, non pas parce que l'Angleterre possède de nombreuses colonies, mais uniquement parce que ses colonies se trouvent soumises à des régimes différents. Ainsi l'Angleterre stipule pour les colonies de la Couronne comme pour les Iles Britanniques mêmes, ce qu'elle ne saurait faire, si M. Sienkiewicz ne se trompe, pour certaines colonies qui jouissent d'une autonomie plus ou moins étendue.

Telle est l'interprétation générale qu'avait donnée, d'une manière peut-être trop laconique, le Délégué de France aux réserves formulées par Sir Francis Plunkett. Il est heureux de constater qu'il ne s'est pas trompé.

Quant aux réserves mêmes, elles sont pour ainsi dire dans la nature des choses et ne sauraient donner lieu à des difficultés.

Il ne semble pas, d'ailleurs, à M. Sienkiewicz qu'il y ait à examiner ici les particularités qui caractérisent les colonies anglaises.

Le Président demande si les Délégués de la Grande-Bretagne et de la France désirent que leurs observations figurent au protocole.

Tous deux répondent affirmativement.

"colonies, like Canada for instance, were auton-
"omous, it was evident that Great Britain
"could not make stipulations for them."

He quoted from the French text as being that which the Delegate of France signed.

His French Colleague had made a confusion between the power to fix their own Customs Tariff enjoyed by certain British Colonies, and the power of making Treaties with Foreign Nations, which latter power was in every case reserved solely and absolutely to the Sovereign and Government of Great Britain.

Sir Francis Plunkett hastened to rectify this mistake, and must claim for the British Minister the sole right of defining the powers of Great Britain over her own Dominions.

Mr. Sienkiewicz replied that when his honorable English colleague had, at the meeting of the 22nd instant, thought it his duty to state that he would be obliged to insert in the Convention a special clause relating to Colonies, which, he added, would not be necessary for other Powers, his impression had been that Sir Francis Plunkett made this reservation not because England possessed a number of colonies, but solely because her colonies were subject to different rules. Thus England stipulated for her Crown Colonies in the same manner as she did for Great Britain and Ireland, which she could not, unless he was mistaken, do for certain colonies which enjoyed an autonomy more or less extended.

This was the interpretation which he, the Delegate of France, had given, in perhaps too laconic a form, to the reservations made by Sir Francis Plunkett. He was happy to find that he was not mistaken.

With regard to the reservations themselves, they were, so to speak, in the nature of things, and could not give rise to any difficulties.

It did not appear to him, moreover, that there was any reason to examine on the present occasion into the distinctive peculiarities of English Colonies.

The President desired to know whether it was the wish of the Delegates who had just spoken that their remarks should appear in the Protocol.

The Delegates of Great Britain and of France replied in the affirmative.

Il est alors procédé à la signature du protocole N° 3.

Le Président exprime le désir qu'il soit passé à la discussion relative au tarif.

M. Zappe demande la parole.

Le Président lui fait observer que le Comte Zaluski et M. de Martino étaient déjà inscrits depuis la dernière séance.

Le Comte Zaluski s'empresse de se déclarer prêt à céder la parole sur le tarif à son collègue d'Allemagne, en se réservant d'user de la liberté qui lui a été accordée à la dernière séance de dire quelques mots sur le même sujet après avoir entendu les observations ou les propositions d'un juge aussi compétent en pareille matière que l'est M. Zappe.

M. de Martino déclare également renoncer à la parole en faveur du second Délégué d'Allemagne, et ne sait pas s'il la redemandera après avoir entendu les observations de M. Zappe.

M. Zappe prononce le discours suivant :

"Comme l'un des membres les plus anciens "de cette Conférence, et comme ayant pris une "certaine part à la préparation du tarif de "1882, j'ai sollicité la faveur d'être admis le "premier à formuler quelques remarques en "réponse au discours prononcé par le Président "à la dernière séance.

"Il me semble que le Comte Inouyé confond "le tarif révisé communiqué aux membres de "la Conférence actuelle au début de leurs "séances, avec le tarif *ad valorem* de 1882. "Lorsqu'il fait allusion à un contre-projet "adopté par la majorité des Délégués étrangers "et recommandé par eux, en 1882, à l'acceptation de leurs Gouvernements respectifs, et "lorsqu'il demande maintenant l'adoption formelle de ce même projet, il me paraît que le "document que le Président a réellement en "vue doit être le projet de tarif annexé au "protocole N° 10 de la dernière Conférence, et "que j'ai l'honneur de déposer sur la table. "Il est difficile, en effet, de supposer que la "Conférence actuelle puisse accepter le tarif "révisé, alors que ce tarif contient des additions "qu'elle n'a pas approuvées et dont elle n'a "même pas pris connaissance.

Protocol No. 3 was then signed.

The President proposed that the Conference should proceed with the discussion of matters relating to the tariff.

Mr. Zappe asked permission to address the Conference.

The President stated that Count Zaluski and Mr. de Martino had already intimated at the last meeting their intention of addressing the Conference at this sitting.

Count Zaluski expressed his willingness to yield to Mr. Zappe the precedence in speaking on tariff matters, reserving to himself the liberty granted at the last meeting of saying a few words on the same subject, after hearing the observations or proposals of so competent a judge as the Second Delegate for Germany had proved himself to be in questions of this nature.

Mr. de Martino expressed his readiness, also, to allow Mr. Zappe's remarks precedence; but he could not tell whether he might not ask permission to address the Conference after he had heard Mr. Zappe's observations.

Mr. Zappe then made the following speech:—

"As one of the oldest members of this Con- "ference, and having been specially connected "with the framing of the tariff of 1882, I have "asked to be allowed to be the first to make a few "remarks in reply to the address of the Presi- "dent.

"It appears to me, that Count Inouye is "identifying the 'Revised Tariff' communicated "to the members of this Conference at the "beginning of their sittings with the '*Ad Valo-* "*rem*' Tariff of 1882. In referring to a "Counter-Project of the majority of the Foreign "Delegates which they in 1882 undertook to "recommend to their Governments for accep- "tance, and in asking now the formal accep- "tance thereof, it seems to me that what, in "reality, he alludes to is the Tariff Draft which "forms an annex to Protocol No. 10, and which "I now lay on the table, as the acceptance of "the 'Revised Tariff', containing additions "not approved of by and even unknown to "this Conference, could hardly be expected.

"Si les suppositions que je viens d'émettre "se trouvent être exactes, j'ose espérer que le "désir du Président sera satisfait si la Con- "férence adopte la résolution suivante:

"Le contre-projet de tarif proposé par les "Délégués étrangers et approuvé par les Délé- "gués du Japon à la séance du 11 Mai 1882, est "accepté en tant que tarif d'importation, sous la "réserve qu'on arrivera à une entente au sujet "des concessions à faire en échange par le "Gouvernement japonais.

"L'acceptation de ce contre-projet est encore "subordonnée à la condition qu'une commission "choisie parmi les membres de la Conférence "sera nommée à l'effet de déterminer les mar- "chandises pour lesquelles il est désirable de "substituer des droits spécifiques aux droits *ad* "*valorem* qui existent aujourd'hui. Cette "commission sera en outre chargée de fixer les "valeurs qui serviront à calculer la quotité des "droits spécifiques, avec pouvoir, si elle le juge "nécessaire, de consulter des négociants sur les "questions techniques.

"La commission devra soumettre à la "Conférence ses vues et les résultats de ses "investigations."

Le Comte Zaluski prononce à son tour le discours suivant:

"A notre seconde séance, j'ai eu l'occasion de "faire allusion à l'importance du contre-projet "de tarif élaboré par deux Délégués de la "Conférence préliminaire et accepté par le "Gouvernement japonais, comme l'a constaté "une fois de plus notre Président dans son "dernier discours. J'ai exprimé l'opinion que "nous avancerions de beaucoup notre tâche en "mettant à profit les résultats des patientes re- "cherches et du labeur persévérant déjà consacrés "par eux à un sujet si vaste et si compliqué. "J'ai signalé cette œuvre méritoire comme "formant une partie à peu près achevée de notre "tâche. En effet, pour compléter le projet de tarif, "il n'y aurait plus qu'à déterminer les valeurs de "celles des marchandises importées qui auront à "payer des droits spécifiques. Ce travail, j'en "tombe d'accord avec M. le second Délégué d'Al- "lemagne, exige des connaissances tout-à-fait "spéciales. Aussi, en présence de la nature es- "sentiellement variable des valeurs commerciales "en général, et de la difficulté de les déterminer "pour un certain laps de temps, devrions-nous,

"Should my surmises prove to be correct, "then I venture to express the hope that the "wishes of the President will be met by the "Conference adopting the following resolution:

"The Tariff Counter-Proposal of the Foreign "Delegates to which the Plenipotentiaries for "Japan expressed their assent at the Conference "meeting of May 11th 1882, is accepted as the "tariff for imports, with the reservation that "an understanding be arrived at with regard "to the counter concessions to be made by the "Government of Japan.

"This acceptance is subject to the further "reservation that a Committee be appointed "from among the members of the Conference to "determine the articles for which it is desirable "to substitute specific duties for the *ad valorem* "rates as now provided; this Committee to be "entrusted, also, with the determination of the "values upon which the specific duties are to "be calculated, and empowerd to take, if they "deem it necessary, mercantile opinion on "technical points.

"The Committee is to report to the Confer- "ence its views and the result of its investiga- "tions."

Count Zaluski made the following speech:

"At our second meeting I had an opportunity "of hinting at the great importance of the "Counter Tariff prepared by two Delegates "of the Preliminary Conference, and accepted "by the Imperial Japanese Government, as "stated again by our President in his last "speech. I expressed the opinion that we "should further our task by availing ourselves "of the result of those careful exertions and "accurate investigations which they have "already made in so vast and intricate a subject. "I referred to that meritorious work as to a "part of our task nearly finished; in fact, all "that is required to complete it, is to determine "the values of such imported goods on which "it is proposed to levy specific duties. I now "perfectly concur with the Second Delegate for "Germany as to the more technical character of "such a labour. Having regard to the change- "able nature of commercial values in general "and the difficulty of fixing them for any "certain time, we should, I think, following on "the lines of our predecessors, and in accord

"je pense, à l'exemple de nos devanciers, et selon "la proposition de M. Zappe, confier la solution "de ce problème délicat à une commission élue "parmi nous. Cette commission aurait naturelle- "ment pleine faculté à son tour de nommer, s'il "y a lieu, un comité composé de négociants ou "d'autres experts, et de puiser aux sources d'in- "formations les plus sûres. Je suis persuadé "que l'achèvement du contre-projet de Tarif de "1882, que plusieurs Puissances déjà, si je suis "bien renseigné, se sont montrées disposées à "accepter pour base des négociations qui doivent "régler à l'avenir leurs relations commerciales "avec le Japon, pourra, à bon droit, être consi- "déré comme un pas important vers le but que "nous poursuivons et que, si lointain qu'il soit "encore, nous finirons bien, j'aime à le croire, "par atteindre.

"C'est dans cet ordre d'idées que je me per- "mets de vous proposer, mes chers collègues, "l'élection d'une commission chargée de complé- "ter le projet de Tarif de 1882, et que je vous "soumets les noms suivants, dans la confiance "qu'ils obtiendront vos suffrages: MM. van der "Pot et Zappe, qui ont tous deux fait partie de "la commission instituée dans le même but en "1882; Sir Francis Plunkett, en remplacement "de feu Sir Harry Parkes, et M. Aoki, à la "place de M. Shioda."

M. de Martino déclare n'avoir rien à ajouter aux observations de son honorable collègue le second Délégué d'Allemagne.

M. Sienkiewicz déclare accepter le tarif d'importation tel qu'il a été élaboré par la Conférence de 1882; mais il ne l'accepte que conditionnellement.—Les diverses questions commerciales sur lesquelles la Conférence aura à se prononcer formant un tout indivisible, ce n'est que lorsqu'elles auront été successivement étudiées qu'il sera possible au Délégué de France de donner son adhésion définitive aux articles qui constitueront la première partie de la Convention.

Quant au projet de tarif qui a été communiqué aux Délégués le 1^er^ de ce mois, et qui donne la conversion des droits *ad valorem* en droits spécifiques, M. Sienkiewicz n'est en mesure ni de l'accepter ni de le refuser. N'ayant pas eu la faculté de consulter un négociant français, n'étant point personnellement d'une compétence suffisante pour juger des méthodes d'évaluation qu'il y a lieu d'employer de préférence, il ne peut pour le moment que réserver son opinion en ce

"with Mr. Zappe's proposal, intrust the solution "of this delicate problem to a Committee to be "elected from our midst. This Committee "would naturally be at liberty to nominate, if "deemed necessary, a Committee of merchants "or other experts, and to gather information "from reliable sources. I am confident that "the achievement of the Counter Tariff of 1882 "which, so far as I know, several Treaty "Powers have shown their willingness to adopt "as a basis for the future regulation of their "commercial intercourse with Japan, will be "considered as an important step leading towards "our distant and yet, I trust, not unattainable "aim.

"With that object in view, I beg to propose "the election of a Committee for the completion "of the Draft Tariff, and to express my confi- "dence that the following names will, my dear "Colleagues, meet with your approval: those "of Mr. van der Pot and Mr. Zappe, who both "have been, in 1882, members of a Committee "for the same purpose; of Sir Francis Plunkett, "to fill the vacancy of the late Sir Harry "Parkes; and of Mr. Aoki, in the place of "Mr. Shioda."

Mr. de Martino stated that he had nothing to add to the observations of his honorable colleague, the Second Delegate for Germany.

Mr. Sienkiewicz stated that he accepted the import tariff as elaborated by the Conference of 1882, but that he only accepted it conditionally. The various commercial questions upon which the Conference had to decide formed one indivisible whole, and only after they had been studied in succession would it be possible for him to give his definitive adhesion to the Articles which would form the first part of the Convention.

With regard to the tariff project which had been communicated to the Delegates on the first of the month, and in which the *ad valorem* duties appeared converted into specific duties, he was not in a position to accept or reject it. Not having had the opportunity of consulting any French merchant, and not being personally sufficiently competent to judge of the methods of valuation which it might be considered preferable to employ, he could only, for the present,

qui touche la conversion des droits.

M. Sienkiewicz ajoute qu'il partage l'opinion exprimée par M. Zappe qu'il convient de confier à une commission le soin de revoir ce dernier projet de tarif, et il pense qu'il est impossible de ne pas accepter cette proposition.

M. Hubbard prononce le discours suivant:

"L'ordre de discussion adopté par la Confé-
"rence appelle tout d'abord l'examen du projet
"de tarif révisé. Le Président a présenté un
"projet qu'il déclare être identique pour le fond
"au contre-projet de tarif révisé proposé par
"l'unanimité, à une exception près, des Délégués
"étrangers à la Conférence de 1882, et approuvé
"sans restriction par le Gouvernement japonais
"à la même époque. Ce contre-projet, établi et
"accepté, ainsi qu'il ressort des protocoles 5, 6, 9
"et 10 de la Conférence, "sur la base d'un droit
"*ad valorem* moyen de 10 à 11 pour cent sur les
"articles d'importation....." etc, fut recommandé
"aux Gouvernements des Puissances signataires.
"Seul, le Délégué des Etats-Unis s'abstint, en se
"fondant sur ce motif que ce contre-projet était
"injuste dans les réductions qu'il comportait et
"qui faisaient perdre au Japon un million de
"dollars par an. Le contre-projet en question
"était estimé alors devoir produire 3.300.000
"dollars, ou, avec les frais accessoires, 3.570.000
"dollars, chiffre inférieur d'un million de dollars
"environ à celui qu'aurait rendu le tarif révisé
"primitivement proposé par le Gouvernement
"japonais. En poursuivant l'histoire, familière
"aujourd'hui, de cette discussion du tarif, nous
"voyons qu'une Commission fut nommée par la
"Conférence de 1882 à l'effet de déterminer les
"valeurs des importations et le montant des
"surtaxes à établir en calculant la quotité des
"droits, et à l'effet également de désigner les
"marchandises auxquelles on appliquerait des
"droits spécifiques.

"On remarquera, en parcourant les comptes-
"rendus des délibérations de la Conférence de
"1882, que ce contre-projet devait être porté à
"la connaissance et recommandé à l'approbation
"des Puissances signataires dont les Délégués
"respectifs l'avaient alors approuvé d'un com-
"mun accord.

"La Commission de Délégués nommée par la
"Conférence de 1882 fut autorisée à recourir à
"l'assistance d'experts commerciaux, familiarisés
"avec le commerce d'importation du Japon, pour

reserve his opinion in regard to matters relating to the conversion of duties.

Mr. Sienkiewicz added that he shared the opinion expressed by Mr. Zappe, that it was desirable to leave it to a Committee to review this last tariff project, and he thought that it was impossible not to accept this proposition.

Mr. Hubbard made the following speech:—

"The order of discussion as adopted by the
"present Conference, invites our consideration
"first to the project for a 'revised tariff'. The
"President has presented a project, which he
"maintains is *identical in substance* with the
"'counter project' for the 'revised tariff' unani-
"mously proposed by the Foreign Delegates to
"the Conference of 1882 (with one exception),
"and which was unconditionally accepted by
"the Japanese Government at that time. This
"'counter project' was calculated and agreed to,
"as Protocols 5, 6, 9, and 10 of the Conference
"of 1882 indicate, 'on the basis of a mean *ad*
"*valorem* duty of 10 or 11 per cent on articles of
"importation' etc. It was recommended to the
"Treaty Powers, the United States Delegate
"alone dissenting on the ground that the said
"'counter project' was unjust in demanding a
"reduction by which Japan lost a million of
"revenue. This 'counter project' was then es-
"timated to yield $ 3,300,000 (or, with charges,
"$ 3,570,000) which was about a million dollars
"less than the original 'revised tariff' proposed
"by the Japanese Government would have
"yielded. As a part of the now familiar history
"of that discussion on the tariff, we read that
"a Joint Committee was appointed by the Con-
"ference of 1882 to work out the values of
"imports and the charges to be added in calculat-
"ing the rates of duties; also to propose the
"articles for which specific duties should be
"fixed.

"It will be observed from the proceedings
"of the Conference of 1882, that this 'counter
"project' for a revised tariff was to be reported
"to the respective Treaty Powers whose Dele-
"gates had then agreed to the same, with a
"favorable recommendation for its ratification
"and approval.

"The Committee of Delegates was appointed
"with authority from the Conference of 1882
"to call to their aid mercantile experts familiar
"with the import trade of Japan,—to check off

"fixer les valeurs imposables de celles des mar-
"chandises d'importation qu'il y avait lieu
"d'estimer 'sur la base d'un droit *ad valorem*
"moyen de 10 à 11 pour cent,' etc., en même temps
"que pour déterminer les marchandises qui se-
"raient frappées de droits spécifiques. Nos pré-
"décesseurs ont exprimé clairement en trois lan-
"gues, l'anglais, le français et le japonais, l'idée
"que ce contre-projet devait constituer un
"tableau de quotités comprenant à la fois des
"droits *ad valorem* et des droits spécifiques.

"C'est là, Monsieur le Président et chers
"Collègues, un résumé fidèle de l'historique de
"cette question du tarif jusqu'au moment actuel.
"La Commission, il est vrai, n'a complété la
"tâche qui lui avait été originairement confiée
"qu'après la séparation de la Conférence; mais
"le résultat de ses travaux est sous nos yeux.
"Le tarif révisé aujourd'hui soumis à la pré-
"sente Conférence n'est, en somme, que le
"contre-projet de 1882 amplifié dans le sens
"établi par la Commission. Si nous sommes
"encore liés par le contre-projet, la simple
"transformation de ses quotités *ad valorem* en
"droits spécifiques opérée par la Commission
"(et la Commission n'a pas fait autre chose),
"ne saurait faire perdre à ce document son
"caractère obligatoire. De quelque façon que
"soit envisagée la Conférence de 1882 par
"ceux pour lesquels la Conférence actuelle n'en
"est en quelque sorte que la continuation, il n'en
"est pas moins constant que la Conférence de
"1882 s'est séparée sur un ajournement indé-
"fini, et, parlementairement parlant, n'a laissé
"aucune question pendante que la Conférence
"actuelle puisse reprendre. Un ajournement
"de jour à jour, comme la chose a lieu au
"Congrès des Etats-Unis et dans les Parlements
"d'Europe, marque la continuité d'une session;
"mais la dissolution d'un Parlement ou l'ajour-
"nement indéfini d'une assemblée législative,
"met fin à toutes les affaires non encore termi-
"nées qui peuvent se trouver pendantes. Mais
"la portée morale et politique, la signification,
"et l'enseignement à tirer des délibérations,
"complètes ou inachevées, de ces assemblées,
"considérés au point de vue pratique par les
"diplomates et les hommes d'Etat, subsistent
"heureusement pour être mis en œuvre et pour
"éclairer, pour guider sûrement les délibérations
"qui plus tard auront lieu sur les mêmes ques-
"tions.

"the dutiable values of such importations as were
"to be estimated 'on a mean *ad valorem* basis of
"from 10 to 11 per cent' etc.,— as well as to
"determine the articles on which specific duties
"should be levied. Our predecessors clearly
"expressed in three languages (the English,
"French, and Japanese,) the idea that this
"'counter project' was to be a schedule of tariff
"rates composed of *ad valorem* and specific
"duties.

"Such, Mr. President and my Colleagues, is
"a plain and correct historical statement of this
"tariff question, up to the present. The Com-
"mittee, it is true, performed the work originally
"entrusted to them *after* the adjournment of the
"Conference, but the result of their labors is
"before us. The 'revised tariff' now presented
"to this Conference is, in fact, the 'counter
"project' of 1882, amplified on the lines adopted
"by the Committee. If the 'counter project'
"still has binding force, the mere change of its *ad*
"*valorem* rates into specific duties by the Com-
"mittee (which is all that has been done) cannot
"make their work less binding. However the
"Conference of 1882 may be regarded by those
"who have spoken of this Conference as in some
"way a continuation of that Body, it is still a
"fact that when the Conference of 1882 ad-
"journed, it did so *sine die*, and, in legislative
"and parliamentary parlance, left no unfinished
"business which could be taken up by *this*
"Conference. An adjournment from day to day,
"as in the Congress of the United States and
"in European Parliaments, marks a *continuing*
"*session*, but the dissolution of a Parliament or
"the adjournment of any legislative body *sine*
"*die* is the end of all unfinished business which
"may be pending. Yet the moral and political
"force, significance, and usefulness of their
"deliberations, both finished and unfinished,
"practically estimated by Diplomats and States-
"men, fortunately remain to be drawn upon, and
"to afford light to guide intelligently future
"deliberations on the same subject.

"C'est ainsi que le représentant actuel des "États-Unis envisage l'œuvre de la Conférence "de 1882. Bien que le projet de tarif révisé "ne soit pas obligatoire dans le sens d'un acte "législatif ou d'un contrat, s'il est vrai que ce "projet, tel qu'il est proposé à la présente "Conférence par le Gouvernement japonais, "est identique au fond à celui qui a été accepté "en 1882 et par la Conférence et par la Com-"mission, s'il est vrai qu'il constitue en soi une "proposition juste et équitable, nous pouvons "bien alors recourir à la sagesse et aux travaux "ardus de nos devanciers pour nous aider à "résoudre cette question de tarif. Si le con-"tre-projet de tarif de 1882 et le rapport de "la Commission nous offrent une solution juste "et libérale de la question, nous devrions être, à "mon humble avis, non pas seulement désireux, "mais anxieux de nous prévaloir des résultats "de ces délibérations pour rendre une justice "tardive et longtemps différée à un Empire "progressiste de trente-sept millions d'habitants.

"Je me suis livré à une étude attentive "du tarif révisé qui nous est aujourd'hui soumis, "sans m'attacher aux valeurs commerciales de "1882 (et des trois années antérieures), et si je "le défends, ce n'est pas parce qu'il est en sub-"stance et en fait le contre-projet, autrefois "accepté, de 1882. En dehors de toute con-"sidération extérieure, j'ai été amené, par les "mérites que j'y découvrais, à voir dans ce "document un projet entièrement raisonnable "et entièrement équitable. Surtout si on le "compare, (ou si on l'oppose, comme vous "voudrez) aux tarifs d'importation d'un grand "nombre des Puissances représentées ici, la "justice, l'impartiale justice doit, dans mon "opinion, que j'exprime sincèrement et res-"pectueusement, plaider devant la Conférence "la cause de ce projet et en réclamer la prompte "adoption. On ne nous demande pas d'exa-"miner s'il y a lieu d'accorder au Japon son "autonomie complète en matière de tarif: nous "le demandât-on, ce point ne soulèverait pas les "questions qui surgissent en matière d'exterri-"torialité et de juridiction. Il s'agit, dans le "cas présent, de commerce et de négoce, de "faits et de chiffres, dont l'histoire est écrite, "connue de toutes les Bourses et de tous les "Ministères des Finances du monde entier; la "science occidentale du Droit, la connaissance "des systèmes judiciaires de l'Occident ne sont

"The present American Representative has "thus regarded the action of the Conference of "1882. While not binding in any legislative or "conventional sense, yet if the project for a re-"vised tariff as now presented to this Conference "by Japan is in substantial identity with the one "agreed to in 1882 by both Conference and "Committee, and is *per se* a just and equitable "proposition,—then surely we may invoke the "wisdom and the arduous labours of our pre-"decessors to aid us in deciding this question "of the tariff. If the counter-project for a "tariff of 1882, and the Committee's report "afford a fair and liberal solution of the tariff "problem, we should be, it is respectfully sub-"mitted, not only willing, but even anxious to "avail ourselves of the results of those delibera-"tions, in rendering a long deferred and tardy "justice to a progressive Empire of 37 millions "of people.

"We have carefully considered the revised "tariff now proposed without any reference "to the trade values of 1882 (and the three "years next preceding), nor do we advocate "it because it is in substance and in fact the "once accepted counter-project of 1882. On its "own merits we have come to the conclusion that "it is a most reasonable and equitable project. "When especially considered in connection (or "in contrast, if you please) with the import "duties of many Powers represented here, "even "handed justice," in the opinion of the American "Delegate earnestly and respectfully expressed, "pleads with this Conference for its early adop-"tion. We are not asked to consider the ques-"tion of conceding complete tariff autonomy to "Japan; even if we were, the same questions "would not arise as in the consideration of purely "extra-territorial and judicial questions. The "question before us relates to trade and com-"merce, to facts and figures, the history of which "is written, and known to all the exchanges and "exchequers of the Nations; and does not there-"fore require Western technical knowledge of "laws or acquaintance with Western judicial "systems to afford security and safety to the "Treaty Powers, their citizens or subjects.

"pas ici nécessaires pour assurer aux Puissances "signataires et à leurs nationaux une entière "sécurité.

"L'unique ligne de conduite à adopter, la "seule vraie, on la découvrira si l'on se pose cette "question: Les nations représentées ici peu- "vent-elles sans danger, doivent-elles avec "justice permettre au Japon de frapper nos "exportations des mêmes droits dont nous frap- "pons les exportations du Japon?—La "Règle d'Or": 'Ne faites pas aux autres ce que "vous ne voudriez pas qu'on vous fît,' qui "s'applique aussi bien aux marchés du commerce "qu'aux codes de la morale et de la religion, "réclame en faveur du Japon le droit de se "faire écouter, dans le secret de la conscience tout "au moins, alors même que ce pays se trouve "enserré dans des conventions arrachées, il y a "un tiers de siècle, à une nation alors jeune dans "l'art de la politique, respectueuse du passé, et "encore endormie, mais qui, force nous est de le "reconnaitre maintenant, est parvenue à un haut "et sérieux degré de développement national.

"Peut-être y aura-t-il lieu, quand le moment en "sera venu, d'examiner, dans cette Conférence, "s'il ne conviendrait pas de réserver, pour un "temps encore, l'abandon au Japon de son "autonomie nationale complète en matière de "juridiction sur les étrangers. Le Gouverne- "ment japonais n'a pas été si loin dans ses "prétentions: tout ce qu'il demande, c'est que l'on "prenne en considération l'adoption d'un système "juridictionnel provisoire qui constituerait une "épreuve dont le Japon espère sortir à son "honneur, et l'égal reconnu de toutes les autres "nations. Mais cette question de tarif est une "question de dollars et de cents, de yen et de "sen, de livres, de shillings et de pence, qui "implique le droit qu'un peuple de trente-sept "millions d'habitants, dont la situation finan- "cière et le crédit sont solidement établis tant "vis-à-vis du pays lui-même que vis-à-vis des "autres nations, a d'attendre de Puissances "amies auxquelles il est lié par des traités, "non pas même de réclamer d'elles, l'adoption "de ce tarif révisé qui, à tout prendre, n'aug- "menterait ses revenus que de la somme rela- "tivement insignifiante de deux ou trois mil- "lions de dollars.

"Et cependant on répond que tout cela a "beau être vrai, les valeurs imposables établies "en 1882 ne sauraient être admises en 1886!

"The one only true standard of action is to "be found in the enquiry,—Is it safe, is it just "of the Nations here represented to allow Japan "to impose the same duties on our exports as we "impose on Japan's exports? The Golden Rule, "equally applicable in the marts of trade and "commerce as to moral and religious codes, de- "mands a hearing for Japan,—in *foro conscientiae* "at least,—even though she is hedged about by "Conventions,—exacted a third of a century ago "from a Nation then young in statesmanship, "clinging to precedent, and still asleep, but "which, we must now confess, has achieved an "intelligent and stalwart national growth.

"There may be occasion (when the time comes) "for considering the question in this Conference "whether it would not be wise to withhold as- "sent, for a while, to granting complete national "autonomy to Japan as to jurisdictional power "over foreign subjects and citizens. The Japan- "ese Government has not asked so much; but "only desires to consider a probationary juris- "dictional system from which Japan hopes to "emerge the fully recognized equal of all other "Nations. But this question of the tariff is one "of dollars and cents, of yen and sen, of pounds, "shillings and pence, involving the right of a "people, thirty seven millions in number, whose "financial status and credit are respected at home "and abroad, to expect,—not demand,—friendly "Treaty Powers to grant this revised tariff, "which, at most, only increases her revenue by "the comparatively insignificant sum of two or "three millions.

"Yet it is intimated that while all this may "be true, still the dutiable values estimated "in 1882 must not be applied in 1886! Let us

"Réfléchissons. Supposons que le contre-projet "de 1882 ait été appliqué, comme toutes les "Puissances, à l'exception des Etats-Unis, "ont consenti à ce qu'il le fût: est-ce que "tous nos Gouvernements ne paieraient pas "aujourd'hui, et pour des années à venir, ce "droit d'importation surélevé, de 10 ou 11 "pour cent, qui a été calculé d'après les valeurs "moyennes des trois années immédiatement "antérieures à 1882? C'est là une proposition "que nul ne saurait contester. Devons-nous "perdre de vue le fait que, faute d'avoir réussi "à faire de ce contre-projet (tel qu'il avait été "déjà amplifié par les Délégués et la Com-"mission de 1882) un tarif définitif, le Japon "se trouve perdre, pour les quatre dernières "années, une somme totale de sept à huit "millions de dollars dans ses revenus? D'autre "part, n'oublions pas non plus que, grâce à "cette même circonstance, les Puissances signa-"taires ont économisé à leurs Trésors bien "remplis et à leur commerce les sommes perdues "par le Japon. Il ne s'agit pas ici de se deman-"der qui, du Japon ou des Puissances, est le "mieux en état de supporter cette perte. "S'il en était ainsi, la réponse serait aisée et "bientôt faite. Ce n'est pas non plus une "affaire de force de résistance matérielle ou de "force brutale. Il n'y a qu'une simple question "de justice dans le fait que le Japon eût dû "percevoir cette augmentation de revenus de "1882 à 1886. La Conférence de 1882 a "répondu affirmativement et d'avance à cette "question. Or n'est-il pas juste qu'il perçoive "maintenant cette augmentation, à partir de "1886? N'est-il pas juste aussi que nous tenions "compte de ceci, que les valeurs des matières "premières produites dans chacun de nos pays, "comme celles des objets manufacturés, sont "sujettes à varier d'une année à l'autre, presque "du jour au lendemain, sur les marchés du "monde? Les conflits entre le capital et le "travail qui viennent de temps à autres effrayer "les nations, les fluctuations de l'or et de "l'argent, les mauvaises récoltes, les excès de "production, l'offre et la demande, sont autant "d'éléments qui concourent à relever aujourd'hui, "à déprécier demain les valeurs des produits "du monde, tant sur les marchés nationaux que "sur les marchés étrangers. Allons-nous établir "une règle pour le Japon et une autre pour "les autres peuples? Les valeurs de certains

"see. Suppose that the "counter project" of "1882 had gone into effect (as all the Powers, "except the United States, agreed that it should), "would not all our Governments to day (and for "years to come) be paying this increased import "duty of from 10 to 11 per cent, calculated on the "mean values of the three years next preceding "1882? No one can controvert that proposition. "Ought we to lose sight of the fact that the "failure at that time to make that 'counter "project' (as already amplified by the Delegates "and the Committee of 1882) a *completed revision* "caused a loss to Japan in the past four years "of seven or eight millions of revenue? On the "other hand, we ought not to forget that by "the same failure, the Treaty Powers have saved "to their full exchequers and to their commerce "the amount which Japan has lost. It is not a "question of who is best or least able to suffer "this loss. If so, the question could be answered "at once. Nor is it a question of physical "endurance or brute force. It is simply a matter "of justice that Japan should have this increased "revenue from 1882 to 1886. The Conference "of 1882 answered that question affirmatively, "in advance. Is it not right that she should "have it now—from 1886 onward? Is it not "equally just that we should not forget that "the values of the raw materials produced "in all of our countries, as well as the values of "manufactured wares and merchandise, are sub-"ject to yearly (almost daily) changes in the "world's market places? The conflicts of capital "and labor, which now and then startle all "Nations; the fluctuations of gold and silver; "the failures of crops; over production; supply "and demand,—all lend their influence in raising "to day, and depressing to morrow the values of "the world's products at home and abroad. "Shall we fix one rule for Japan, and another "for all other peoples? The values of certain "products which some allege have fallen since "1882, may, and probably will rise in the next "few years, and then Japan would be the loser, "even though least able to bear it, while all "the Treaty Powers would be correspondingly "the gainers.

"produits, que l'on soutient avoir baissé depuis
"1882, peuvent monter, et monteront sans doute,
"d'ici à quelques années: alors le Japon se
"trouvera en perte, lui qui est le moins en état de
"supporter des pertes, tandis que toutes les Puis-
"sances bénéficieront d'un gain correspondant.

"Les changements dans la valeur de l'or et
"de l'argent, à l'heure actuelle et depuis ces
"dernières années, ont sérieusement affecté le
"Japon, de même que les autres pays d'Orient.
"La dépression du prix de l'argent a gravement
"affecté ces pays, tandis que les Puissances qui
"ont l'étalon d'or et auxquelles l'Orient paie,
"sous la forme des escomptes, un tribut énorme,
"ont recueilli le bénéfice de cette dépréciation.
"Dans le même ordre d'idées, ayons la franchise
"de ne pas dissimuler non plus que les valeurs
"imposables des importations au Japon ont été
"évaluées en or, tandis que les droits sont payés
"en argent, tout comme si les deux métaux
"étaient de valeur exactement égale. Les
"Règlements commerciaux proposés par le
"Gouvernement japonais en font foi.

"Mon Gouvernement compte que les importa-
"tions des Etats-Unis au Japon ne seront l'objet
"d'aucune distinction blessante. Il ne prévoit
"pas, d'ailleurs, que le Japon songe à établir
"des distinctions de cette nature. Les rapports
"amicaux que les Etats-Unis entretiennent avec
"le Japon, et les avantages réciproques que l'un
"et l'autre de ces pays tirent de leurs relations
"commerciales ne le permettraient pas. Les
"Etats-Unis, par conséquent, ne mettent aucune
"hésitation à reconnaître au Japon le droit de
"régler cette question conformément aux sti-
"pulations d'un traité équitable. Les traités que
"nous avons avec le Japon, les uns et les autres,
"sont, dans la forme, séparés et distincts, et il
"n'existe pas de ligue entre les Puissances
"étrangères pour exercer un protectorat sur le
"Japon. Cette conférence s'est réunie simple-
"ment à la requête du Gouvernement japonais.
"Aussi me suis-je renfermé dans le projet de révi-
"sion des traités qu'a proposé le Gouvernement
"japonais, reconnaissant aux autres Puissances,
"mais réservant pour mon Gouvernement, le
"droit de traiter d'une manière indépendante
"avec le Japon et le privilège de prendre part
"à cette Conférence sur l'invitation du Japon.

"Mon pays est, plus qu'aucun autre, intéressé
"dans ce tarif. Le commerce des Etats-Unis
"avec le Japon s'élève annuellement à plus de 18

"The changes in the values of gold and
"silver at the present time, and during the past
"few years, have seriously affected Japan, as
"well as other Eastern countries. The depres-
"sion of silver has most seriously affected them,
"while those Powers whose standard is gold, and
"to whom the East (in the discounts of exchange)
"pays enormous tribute, have reaped the benefit
"of this depreciation. In this connection, also,
"let us not, in fairness, conceal the fact that the
"dutiable values of imports to Japan have been
"estimated in *gold*, while the duties have been
"paid in *silver*, in the same manner as if the two
"metals were exactly equal. The "Trade Re-
"gulations" now proposed by the Japanese
"Government are evidence of this fact.

"My Government expects that no invidious
"discriminations will be made against the im-
"ports of the United States into Japan. Nor
"do we anticipate that any such discrimination
"will be made by Japan. Our amicable relat-
"ions and the mutual benefit we derive from
"our tradal intercourse will not permit it. The
"United States, therefore, have no hesitation in
"recognizing the right of Japan to determine
"this question in accordance with just treaty
"stipulations. Our several treaties are separate
"and distinct, and there is no league for a pro-
"tectorate among the Treaty Powers. This
"Conference meets simply in compliance with
"Japan's request. Hence I have confined my-
"self to the scheme of treaty revision which the
"Japanese Government has proposed, conceding
"to other Powers, while I reserve to my
"Government, the right to treat independently
"with Japan, and the privilege of sitting in this
"Conference upon the invitation of Japan.

"My country is more largely interested in this
"tariff than any other Power. American trade
"with Japan amounts to more than eighteen

"millions de dollars (dont plus de 14 millions "pour des marchandises que nous admettons en "franchise). Il résulte des chiffres de 1885, que "j'ai sous les yeux, que les Etats-Unis prennent "des exportations du Japon pour 13 millions de "dollars de plus que la Grande-Bretagne; pour "9 millions de plus que la France; pour 15 mil-"lions de plus que l'Allemagne. Et cependant "notre principal article d'importation au Japon, "l'huile de pétrole, (qui représente une valeur "d'un peu plus de 2 millions et demi de dollars) "aura à supporter, sous le régime du tarif révisé, "un droit qui, en 1882, lorsque le projet a été "préparé, équivalait à 15 pour cent *ad valorem*.

"Dans ce tarif révisé, on trouve fixée à 18 sen "la valeur imposable d'un gallon d'huile de "pétrole, et à .027 le droit par gallon, ce qui re-"présente 15 pour cent *ad valorem*, soit une aug-"mentation de 5 pour cent sur la moyenne des "droits (considérés *ad valorem*) qui frappent les "produits importés par d'autres pays au Japon. "Et pourtant ce tarif n'excède point les droits "établis par d'autres nations sur cet article d'im-"portation et sur tant d'autres.

"Toutes les nations ont recours à un tarif de "douanes: tarif ayant pour seul objet la création "de revenus, ou tarif protecteur; tarif prohibitif "ou tarif de représailles. Pour ce qui est de ce "tarif révisé proposé par le Japon, c'est en quel-"que sorte la clef de voûte de l'édifice au début "d'une solution favorable et équitable de la révi-"sion des traités; c'est la clef qui ouvrira les "portes par lesquelles doit passer le Japon pour "arriver à se suffire à lui-même et pour obtenir "un accroissement raisonnable de revenus,—"accroissement qui lui permettra de réduire ses "taxes intérieures et renforcera pour lui le "'nerf de la guerre,'—qui est aussi celui de la "paix.

"J'ai parlé de la proposition du second "Délégué d'Allemagne avec la déférence que "méritent sa compétence et la longue expérience "qu'il a acquise dans le service consulaire de son "pays. Mais il me faut exprimer ici sans amba-"ges ma conviction intime que si nous passons "l'éponge sur ce qui a été fait pour recommencer "à nouveau,—ce que suppose la nomination de "cette commission,—nous n'arriverons pas de "sitôt, si nous y arrivons jamais, à une solution "satisfaisante de la révision des traités. M. "Zappe reconnaît, et tous les Délégués recon-"naissent comme lui, l'équité et le caractère

"million dollars annually (over fourteen millions "of which we admit duty free). As I read the "figures of 1885, we take 13,000,000 more of "Japan's exports than Great Britain; 9,000,000 "more than France; and 15,000,000 more than "Germany,—and yet our principal import to "Japan, petroleum oil (amounting to a little "more than two and one half millions in "value,) will have to bear, under the revised "tariff, a duty equivalent, in 1882 when the "schedule was framed, to fifteen per cent *ad* "*valorem*.

"In this "Revised Tariff" you find the duti-"able value of a gallon of kerosene oil stated at "18 sen, and the duty at .027 per gallon, which "is equal to 15 per cent *ad valorem*; an increase "of 5 per cent over the average duties (if consi-"dered as *ad valorem*) on the products imported "from other countries to Japan. And still this "tariff is not in excess of the duty enforced by "other nations on this and many other articles "of import.

"All nations enforce tariffs, sometimes for "'revenue only' and sometimes 'for protec-"tion'; sometimes 'prohibitory' and sometimes "'retaliatory'. In regard to this 'Revised "Tariff' proposed by Japan, it is almost the "'key-stone to the arch' in the beginning of "a successful and fair solution of Treaty Revi-"sion; it is the key which will unlock the doors "leading to self support, and, the reasonable "increase of needed revenue which will lessen "the 'home taxes' of the Japanese people, and "add to their 'sinews of war,' as well as of peace.

"I have spoken on the resolution offered by "the Second Delegate of Germany with defer-"ence to his ability and long experience in the "Consular service of his country; but I must "here and now express the deliberate opinion "that if we 'rub out and begin anew'—which "the appointment of this committee presupposes "—we shall not soon, if ever, reach a satisfactory "solution of Treaty Revision. Mr. Zappe ad-"mits, and so do all the Delegates, the equity "and binding force of the 'counter project' of "1882, annexed to Protocol No. 10; but seems "to ignore the results of the labors of the Com-

"obligatoire du contre-projet de 1882, annexé "au protocole N° 10; mais il semble vouloir "ignorer les résultats des travaux de la Com- "mission de Délégués de 1882, dont lui et mon "Collègue des Pays-Bas, M. van der Pot, ont "fait partie avec tant de distinction.

"Si ce tarif révisé qu'on nous présente main- "tenant combine et le contre-projet et l'œvre "de la Commission,—et il les combine en effet— "pourquoi accepter l'un et rejeter l'autre? Tous "deux sont l'œuvre autorisée de M. Zappe et de "ses Collègues de 1882 et ils sont reconnus pour "tels dans le Mémorandum de 1884.

"Je n'ai parlé, mes chers Collègues, qu'au nom "de mon pays et *ad referendum*. Mais j'espère "que de cette discussion il résultera quelque bien "pour le Japon. Dans cette Conférence, tout "l'intérêt et toute la sympathie de la République "des Etats-Unis sont pour ce peuple qui lutte "pour le développement de sa civilisation et "pour le juste exercice de ses droits. Les "Puissances étrangères sont amplement en état "de se tirer d'affaire toutes seules."

Le Président remercie M. Hubbard des senti- ments d'amicale sympathie vis-à-vis du Japon dont témoigne le discours qu'il vient de prononcer, et il est heureux d'en prendre acte. Mais il considère que le moment n'est pas encore venu d'aborder certaines des questions soulevées par le Délégué des Etats-Unis, et il ne désire pas, pour l'instant, entamer d'autre discussion que celle qui est actuellement ouverte. Il se réserve toutefois le droit de revenir plus tard sur les autres points traités par M. Hubbard.

Sir Francis Plunkett prononce le discours suivant:

"Je demande à rappeler que je parle au nom "d'un pays qui paiera près des trois quarts des "droits d'importation que va déterminer cette "Conférence. Vous ne devez pas oublier que "l'importation totale des marchandises euro- "péennes au Japon pendant l'année 1885 s'est "élevée seulement à 28.000.000 de dollars, sur "lesquels 6 millions environ représentaient les "importations de Chine. Les importations en "provenance de la Grande-Bretagne et de ses "colonies, car il ne faut pas négliger de faire "entrer en ligne de compte les importations de "l'Inde et de l'Australie, ont atteint une valeur

"mittee of Delegates of 1882 of which he and "my colleague of the Netherlands—Mr. van "der Pot—were such able members.

"If this 'Revised Tariff' now presented "combines the 'counter project' and the Com- "mittee's work—as it does—why take the one "and reject the other? Both are the authorized "work of Mr. Zappe and his associates in 1882, "and are so recognized in the Memorandum of "1884.

"I have only spoken, my colleagues, for "my own country, and *ad referendum*. But of "this discussion, I hope good may come to "Japan. The friendly concern of the Republic "of the United States in this Body is for this "people only, in their upward struggles for "civilization and the just exercise of their rights. "The Treaty Powers are abundantly able to "take care of themselves."

The President thanked Mr. Hubbard for the sentiments of friendly, sympathy towards Japan which were manifested in the speech, he had just delivered, and he should have much plea- sure in taking note of them. He considered, however, that the moment had not yet come for opening discussion upon certain questions raised by the Delegate of the United States, and he did not desire for the present to enter into any other discussion than that of the pro- position before the Conference. He, however, reserved to himself the right to revert to the other questions introduced by Mr. Hubbard at another time.

Sir Francis Plunkett made the following remarks:—

"I beg to remind the Conference that I "speak for a country which will pay nearly "three fourths of the import duties to be deter- "mined by this Conference. You must remem- "ber that the total importation of foreign goods "into Japan in the year 1885, amounted only to "twenty eight million dollars, of which about "$ 6,000,000 represented the value of imports "from China. The imports from Great Britain "and her Colonies,—for we must not forget "also the imports from India and Australia,— "reached a total value of more than fifteen "million dollars.

"totale de plus de 15.000.000 de dollars.

"Je désire maintenant déclarer, au nom de "mon Gouvernement, que l'Angleterre est "disposée à accepter le tarif *ad valorem* révisé, "tel qu'il a été arrêté en 1882 entre les Délégués "japonais et les Délégués étrangers, à la con- "dition que toutes le Puissances signataires "l'accepteront également et que le Japon offrira "en échange aux étrangers des concessions "commerciales convenables. Mon Gouverne- "ment considère que nul projet satisfaisant de "révision des traités ne saurait être élaboré si ce "n'est sur le principe des concessions réciproques. "Je m'associe en conséquence à la proposition "du second Délégué d'Allemagne dont j'ap- "prouve entièrement la manière de voir.

"En ce qui concerne le discours du Délégué "des Etats-Unis, ce discours touche à tant de "sujets qui ne sont pas encore en discussion, que "je dois me réserver le droit de formuler mes "observations quand l'occasion s'en présentera."

M. Neyt prononce le discours suivant:

"Je tiens à exprimer également mon opinion "sur le tarif, et je le fais avec d'autant plus de "confiance que cette opinion se trouve en con- "formité avec celle qu'ont exprimée mes Collè- "gues d'Autriche-Hongrie, de France, d'An- "gleterre et d'Allemagne.

"A moins que je ne me trompe, ce qui serait "aisé au milieu de la grande quantité de "documents que nous avons reçus, l'avant-projet "de tarif qui a été soumis aux Puissances occi- "dentales et qu'elles ont été unanimes, sous "certaines réserves, à accepter comme base des "futurs droits d'entrée à fixer par la Conférence, "est le projet de tarif annexé au protocole "N° 10, séance du 11 mai 1882.—Un premier "acheminement pour faire de cet avant-projet "un projet définitif, a été le rapport du Comité "spécial qui a fixé, il y a quatre ans, la valeur "imposable des marchandises. C'est ce rapport "qui nous a été remis à l'avant-dernière séance "par le Président. Mais il ressort des explica- "tions qui nous ont été données par les mem- "bres ici présents qui ont fait partie de ce "Comité, que ce travail est devenu tout-à-fait "inutile à cause de sa date relativement an- "cienne, et que, la valeur de presque toutes les "marchandises ayant sensiblement baissé depuis "cette époque, l'évaluation faite il y a quatre "ans ne saurait plus servir de base aujourd'hui

"I now desire to state on behalf of my "Government, that England is willing to accept "the revised *ad valorem* tariff as elaborated in "1882, between the Japanese and Foreign "Delegates, on condition that all the other "Treaty Powers do likewise, and that Japan "offers suitable commercial concessions to "foreigners. My Government considers that "no satisfactory scheme of treaty revision can "be elaborated except on the principle of "*reciprocal* concessions. I threfore associate "myself with the proposal of the Second "Delegate of Germany, in whose observations "I entirely concur.

"With regard to the speech of the Delegate "of the United States, it opens up so many "subjects which are not yet under discussion "that I must reserve to myself the right to "make observations upon them when the "occasion arises."

Mr. Neyt made the following speech:—

"I desire also to express my opinions upon "the Tariff and I do so the more confidently "because it agrees with those expressed by my "Colleagues of Austria-Hungary, of France, "of England, and of Germany.

"If I am not mistaken, as I might easily be, "in the midst of the great number of documents "which we have received, the draft tariff project "which was submitted to the Western Powers, "and which they have unanimously accepted, "with certain reservations, as the basis of the "future import duties to be fixed by the "Conference, is the tariff project annexed to "Protocol No. 10, of the meeting of the 11th "of May 1882. A first attempt to make a "definitive project from this draft project was "the report of the Special Committee which "four years ago fixed the values to be placed "on commodities. This is the report which "was submitted to us by the President at the "meeting preceding the last, but it appears "from the explanations which have been given "by those members now present who formed "part of that Committee, that the work of the "Committee has become altogether useless on "account of its comparatively remote date, and "that the values of almost all commodities "having fallen sensibly since that time, the

"et que tout est à recom mencer.

"Or, si j'ai bien compris les explications qui "nous ont été fournies, le projet de tarif qui "nous a été remis au début de la Conférence "réunie actuellement a été élaboré en prenant "pour base ce même rapport du Comité spécial "que l'on a déclaré l'autre jour ne plus servir "à rien. Je dois ajouter que, personnellement, "je partage absolument cette manière de voir. "Il me paraît impossible, dès lors, que la "Conférence se rende au désir exprimé par "notre Président à la dernière séance, de voir "ce même projet de tarif accepté sans discus- "sion, presque sans examen, les yeux fermés.

"Sans entrer aujourd'hui dans l'examen de la "quotité des droits que fixe ce projet, quotité "au sujet de laquelle je fais, pour certains "articles, toutes mes réserves, je voudrais appeler "l'attention de la Conférence sur plusieurs "points étrangers à cette quotité qui, bien "qu'étant la question la plus importante, n'est "pas la seule que nous ayons à examiner.

"D'abord, quant à la classification que ce "projet nous présente, elle me paraît par trop "détaillée. Je crois que la clarté du tarif, la "facilité pratique de le consulter et de ranger "les marchandises dans l'une ou l'autre caté- "gorie, auraient beaucoup à gagner si cette "classification était plus large, c'est-à dire si "l'on supprimait, autant que cela sera possible, "les dénominations spéciales et particulières des "marchandises pour les ranger simplement, "selon la matière première et le degré de "fabrication, dans une catégorie générale. Je "crois que l'on nous saura gré d'apporter à la "classification du tarif et à la dénomination des "différents articles, autant de clarté et de sim- "plicité que possible. Cela nous demandera "peut-être un peu plus de travail; mais, dans "une matière aussi sérieuse et qui doit régir "des intérêts commerciaux importants pendant "une longue suite d'années, nous ne devons "négliger aucun détail.

"Une autre remarque générale que je me "permets de faire sur le projet de tarif qui "nous est soumis, est qu'il choisit comme base "du droit spécifique pour tous les tissus en gé- "néral le yard carré et non le poids. Il y a là, "je le crains, une grave erreur et un inconvéni-

"valuation made four years ago can no longer "serve as a basis to day, and that every thing "must be begun afresh.

"Now if I have properly understood the "explanations which have been furnished in "the elaboration of the tariff project which was "submitted to us at the opening of this Con- "ference, this same report of the Special Com- "mittee, which was declared to be no longer of "any use, was taken as a basis. I should add "that personally I share entirely this view. "It seems to me impossible, therefore, that the "Conference can comply with the wish expressed "by our President at the last meeting, to see this "same tariff project accepted blindly, without "discussion, and almost without examination.

"Without entering to-day into an examina- "tion of the schedule of duties fixed by this "project, a schedule, indeed, with reference to "which I make all reservations in regard to "certain articles, I wish to call the attention of "the Conference to several points foreign to "this schedule which, although the most "important question before us, is not the only "one that we have to examine.

"In the first place, with regard to the classi- "fication which this project presents to us, it "appears to me to be too minute. I think the "tariff would gain in point of clearness, and in "practical facility as regards reference and as "regards arranging commodities in one cate- "gory or another, if this classification were "more comprehensive, that is to say, if special "and distinct denominations of goods were "suppressed in order to arrange them simply "in a general category according to their orig- "inal material and the condition of manufac- "ture. I think that it would be well for us to "import into the classification of the tariff and "the description of the various articles as much "clearness and simplicity as possible. This "will require from us perhaps a little more "work, but in a matter which is so serious and "which must regulate important commercial "interests for a long period of years, we ought "not to neglect a single detail.

"Another general remark, which I may be "allowed to make upon the tariff project sub- "mitted to us, is that it selects as the basis for "specific duties in all kinds of fabrics the square "yard and not the weight. In this I think "there is a grave error and a serious inconve-

"ent sérieux. Pour tous les gens qui ont suf-
"fisamment d'expérience en cette matière, et
"qui ont eu à analyser la valeur des étoffes
"et des tissus, il est admis que c'est en très
"grande partie la matière première du tissu qui
"constitue la valeur de la marchandise, surtout
"pour tous les articles courants.—Le lin et le
"coton employés forment pour les deux tiers la
"valeur des tissus; pour les articles de soie, la
"matière première constitue les quatre cinquiè-
"mes ou les neuf dixièmes de la valeur de la
"marchandise.—Il semble donc, à première
"vue, que, sans aucun inconvénient, et, au con-
"traire, pour faciliter tant les opérations des
"importateurs que celles des agents des douanes,
"on pourrait substituer, pour fixer le droit sur
"les tissus, le poids à la mesure de surface.

"En dernier lieu, je signalerai à la Confé-
"rence un autre point sur lequel il me paraît
"que l'on pourrait modifier le tarif qui nous est
"proposé. Il s'agit de la terminologie em-
"ployée, notamment pour désigner les diverses
"catégories de tissus. Certaines dénominations
"inscrites dans le tarif sont empruntées à la lan-
"gue japonaise et sont complétement étrangères
"au commerce européen. Elles ne peuvent que
"provoquer des erreurs et des confusions. Je
"crois que nous aurions tout intérêt à les faire
"disparaître

"Je tiens, en terminant, à renouveler ma
"déclaration que le fait de n'avoir pas touché,
"en la présente occasion, la question de la
"quotité des droits, n'implique nullement mon
"adhésion à la quotité proposée par le Gou-
"vernement Japonais.—Je fais ici des réserves
"formelles à ce sujet, sur lequel je tiens à ne
"pas me prononcer avant que nos discussions ne
"soient plus avancées.

"A mon avis, la mesure qui s'impose à nous
"pour le moment est de nommer une Commis-
"sion analogue à celle qui a fonctionné près de
"la Conférence de 1882. Cette Commission,
"que l'on choisirait parmi ceux de nos mem-
"bres qui sont les plus compétents en matière
"commerciale, aurait le droit de désigner un
"Comité consultatif composé de notables com-
"merçants tant étrangers que japonais. La Com-
"mission, concurremment avec ce Comité de
"négociants, aurait pour mission de fixer à
"nouveau la valeur des marchandises sur les-
"quelles un droit spécifique doit être perçu, et

"nience. By all persons who have sufficient
"experience in this question, and who have had
"occasion to analyse the values of stuffs and
"tissues, it is admitted that to a very large
"extent it is the original material which con-
"stitutes the value of the commodity, especially
"in the case of articles of ordinary consumption.
"The linen and cotton which are employed
"form two thirds of the value of tissues; in the
"case of silk goods, the original material con-
"stitutes four fifths or nine tenths of the value
"of the commodity. It appears, therefore, at
"first sight, that in estimating the duties upon
"tissues, weight might be substituted for super-
"ficial measurement, and that this substitution
"would not only cause no inconvenience, but
"would greatly facilitate the operations both of
"importers and of Customs officials.

"Lastly, I will indicate to the Conference
"one more point in regard to which it ap-
"pears to me that the proposed tariff might be
"modified. This concerns the phrascology
"employed, more especially to denote the
"various classes of tissues. Certain descriptions
"which appear in the tariff are entered in
"Japanese, and are altogether strange to Euro-
"pean commerce. They can only tend to pro-
"duce errors and confusion. I think that we
"have every interest in causing them to be
"withdrawn.

"In conclusion I beg to renew my declara-
"tion, that the fact of my not having on the
"present occasion touched on the question of
"the schedule of duties implies in no way my
"adhesion to the schedule proposed by the
"Japanese Government. I hereby make for-
"mal reservations on this subject, in respect to
"which I desire to make no admissions until
"our discussions are further advanced.

"In my opinion what we are now called
"upon to do is to name a Commission similar
"to that which sat during the Conference of
"1882. This Commission, which will be chosen
"from amongst those of our members who are
"the most competent in commercial matters,
"should have the right to name a Consulting
"Committee composed of leading merchants,
"both foreign and Japanese. The Commission
"should, together with the Consulting Com-
"mittee of merchants, be charged with the duty
"of fixing afresh the values of commodities
"upon which specific duties are to be levied,

"serait chargée de nous présenter un projet de "tarif complet basé sur l'avant-projet soumis et "accepté par les Puissances. Chaque membre "de la Conférence aurait la faculté de se mettre "en relation avec la Commission et pourrait lui "communiquer telles observations qu'il jugerait "convenables. Dans son rapport, la Commis- "sion ferait connaître à la Conférence les raisons "qui l'auront portée à prendre en considération "ou à rejeter les observations de ce genre

"Telles sont, Messieurs, à première vue et à "mon humble avis, les dispositions que nous "avons à prendre pour mener à bonne fin le "travail si compliqué et si important que nous "entreprenons. Il ne nous est permis de né- "gliger aucun effort pour faire du tarif une "œuvre aussi parfaite que possible. N'oublions "pas que, si nous sommes appelés à faciliter au "Gouvernement japonais la perception de droits "de douanes plus considérables, de façon à aug- "menter ses revenus, nous avons, d'un autre "côté, le devoir impérieux de sauvegarder, de "faciliter autant que possible le développement "normal du commerce auquel cette augmenta- "tion de droits apportera déjà bien des entraves. "Le meilleur moyen d'arriver à ce but est de "donner tous nos soins à ce que le tarif que "nous adopterons soit entre autres choses clair, "simple, et aussi peu compliqué que possible. "Il me paraît, pour ne parler que de la forme, "que le projet du Gouvernement Japonais "pourrait subir de nombreuses modifications "que je n'ai fait qu'indiquer sommairement, "mais sur lesquelles je suis tout disposé à don- "ner plus de détails si la Conférence jugeait "qu'il y a lieu de prendre les observations que "je viens de faire en considération."

Sir Francis Plunkett fait observer que, comme le projet de tarif accepté par la Conférence de 1882 doit être pris comme base pour l'établissement du tarif à déterminer par la présente Conférence, il lui paraît utile que chacun des Délégués fasse connaître officiellement l'avis de son Gouvernement au sujet de l'acceptation de ce projet.

Le Président déclare que, le temps manquant pour traduire en anglais le discours du Délégué de Belgique dont il n'avait pu saisir clairement le sens, il doit réserver jusqu'au moment où il en aura vu la traduction, les observations qu'il

"and should be instructed to present a complete "tariff project based upon the draft project "submitted to and accepted by the Powers. "Each member of the Conference should have "the right to enter into relations with the "Commission, and should be able to communi- "cate to it such observations as he may think "proper. In its report the Commission should "state to the Conference the reasons which may "have induced them to take into consideration "or to reject the suggestions of this nature "which have been submitted to them.

"These, Gentlemen, are, at first sight, and in "my humble opinion, the steps which we have "to take to bring to a conclusion the compli- "cated and important work which we are "undertaking. We cannot neglect any effort "whatever, which may be required in order to "make the tariff as perfect a work as possible. "Let us not forget that if we are called upon "to assist the Japanese Government in levying "higher Customs duties with a view to increas- "ing its revenue, we are bound, on the other "hand, by an imperious duty to safeguard and "to facilitate as much as possible the normal "development of commerce, which will in any "case be restricted considerably by this increase "of duties. The best way of attaining this "object is to use our utmost care to insure that "the tariff which we shall adopt is among other "things, clear, simple, and as little complicated "as possible. In so far as regards the form "alone, it appears to me, that the project of the "Japanese Government may be subjected to "numerous modifications, which I have only "briefly indicated, but in regard to which I am "ready to give further details should the Con- "ference decide to take into consideration the "observations which I have made."

Sir Francis Plunkett observed that as the Tariff Project agreed to by the Conference of 1882, would be taken as the basis upon which the tariff to be determined by the present Conference would be framed, it appeared to him advisable that each of the Delegates should formally state the opinion of his Government in regard to the acceptance of that project.

The President stated that as there was not sufficient time to translate into English the speech of the Delegate of Belgium, the purport of which he had not been able to fully understand, he would reserve his remarks with

pourra avoir à faire à ce sujet. Il ajoute qu'il partage entièrement l'idée émise par Sir Francis Plunkett, et il invite les Délégués à faire connaître les vues de leurs Gouvernements respectifs.

M. van der Pot déclare accepter au nom des Gouvernements des Pays-Bas, de la Suède et de la Norvège et du Danemark, le contre-projet tel qu'il a été proposé par les Délégués étrangers et accepté par la Conférence en 1882; mais, eu égard aux grandes fluctuations des prix, il doit faire des réserves formelles en ce qui concerne les droits spécifiques proposés par le Gouvernement japonais. Il est d'avis qu'une Commission soit nommée, avec pouvoir de prendre l'avis du commerce, pour étudier les modifications nécessitées par les changements qui se sont produits dans les valeurs depuis 1882.

M. Delavat déclare que son Gouvernement accepte le tarif *ad valorem* de 1882, tel qu'il a été arrêté par M. de Castillo, alors Délégué pour l'Espagne; mais qu'il ne saurait accepter les droits spécifiques.

M. de Speyer déclare que, son Gouvernement ayant accepté le tarif tel qu'il avait été présenté en 1882, il ne pourra, en ce qui le concerne, qu'accepter *ad referendum* les changements qui pourraient être apportés à ce document par la Conférence actuelle.

Le Comte Zaluski dit qu'en faisant sa proposition relative au tarif, il ne doutait pas que ses paroles ne fussent interprétées dans le sens de l'acceptation par son Gouvernement du tarif d'importation de 1882, interprétation qu'il s'empresse, d'ailleurs, de confirmer formellement.

M. Loureiro déclare que son Gouvernement accepte le tarif adopté par la Conférence de 1882 en ce qui concerne, du moins, les droits *ad valorem* qui y sont établis, mais qu'il n'accepte ni ne repousse le tarif révisé avec les droits spécifiques, qu'il n'a pas soumis, et que, étant donnée la nature de ses instructions, il ne pense pas qu'il soit nécessaire de soumettre à l'approbation ou à la considération de son Gouvernement.

En parcourant le tarif révisé soumis aux Délégués à la séance du 1er mai, il a constaté que, tandis que le rendement total devant résulter pour le Gouvernement japonais du contre-

reference to it until he had seen an English translation. He added that he entirely shared the view expressed by Sir Francis Plunkett, and he invited the Delegates to make known the views of their respective Governments.

Mr. van der Pot stated that on behalf of the Government of the Netherlands, of Sweden and Norway, and of Denmark, he accepted the Counter Project of the Tariff as proposed by the Foreign Delegates, and agreed upon by the Conference of 1882, as regards *ad valorem* duties, but that, taking the great fluctuations of prices into account, he must make formal reservations with regard to the specific duties proposed by the Japanese Government. He was of opinion that a Committee should be appointed with the power to consult mercantile opinion to take into consideration the question of what alterations would be necessitated by the changes which had taken place in values since 1882.

Mr. Delavat declared that his Government accepted the *ad valorem* tariff of 1882, as agreed to by Mr. de Castillo, the Delegate of Spain, but that he could not accept the specific duties.

Mr. de Speyer declared that his Government having accepted the tariff as presented in 1882, he could only, so far as he was concerned, accept *ad referendum* the changes which might be inserted in this document by the present Conference.

Count Zaluski stated that he was aware, when making his proposition on the subject of the tariff to the Conference, that his words would be interpreted as an acceptance of the import tariff of 1882 by his Government, a meaning which he now formally confirmed.

Mr. Loureiro stated that his Government accepted the tariff agreed to by the Conference of 1882 in so far as concerned the *ad valorem* duties therein fixed, but did not accept or reject the revised tariff with specific duties, which he had not submitted, and, in view of the nature of the instructions he had received from his Government, he did not think it would be necessary to submit to its approval or consideration.

In looking over the revised tariff submitted to the Delegates at the meeting of the 1st instant, he found that whereas the total amount of revenue to be obtained by the Japanese

projet de 1882, était estimé à 3.500.000 dollars, l'augmentation pour deux articles seulement, à savoir le pétrole et le sucre, d'après le tarif révisé, s'élèverait à 1.564.752 dollars. Il en conclut qu'une erreur a dû se glisser dans la conversion des droits *ad valorem* en droits spécifiques; en effet, l'augmentation de droits sur les tissus de coton et sur ceux de laine, calculée sur la même base, rendrait le rendement total supérieur à celui qu'on estimait devoir résulter pour le Gouvernement japonais de l'adoption du contre-projet.—M. Loureiro s'est livré à un calcul sur les droits qui se trouveraient, en fait, perçus sur certains articles. Pour les tissus de coton écru, par exemple, c'est un fait bien connu que la vente s'effectue au poids et non à la mesure. La valeur d'une pièce de cette étoffe dépend de son poids et non pas de sa surface. Les largeurs fixées par le tarif sont de 39 et de 45 pouces (mesure anglaise), mais c'est un fait connu que l'article en question est fabriqué en pièces de la même largeur, mais de poids différents, et par suite de valeurs différentes. Par exemple, une pièce d'étoffe de coton de 39 pouces de largeur, pesant six livres, aura à payer le même droit qu'une pièce de dimensions égales, mais pesant 12 livres.—Par suite de cet arrangement, le Gouvernement japonais risque de se trouver frustré, tandis qu'il est évident que les négociants étrangers se trouveraient payer sur des marchandises inférieures les mêmes droits que sur des marchandises de plus grande valeur. Les mêmes observations s'appliquent aux cigares qui, d'après le contre-projet de tarif de 1882, devaient payer un droit de 10 pour cent *ad valorem*, tandis que, d'après le tarif spécifique, ils sont taxés à 40 pour cent pour les qualités inférieures dont la consommation et l'importation sont plus considérables que celles des qualités supérieures. Néanmoins M. Loureiro ne peut que répéter que son Gouvernement est disposé à accepter le tarif *ad valorem* ou tout autre qui sera accepté par toutes les Puissances intéressées. Ce qui le détermine à formuler ces remarques au sujet des droits spécifiques énumérés dans le tarif révisé, c'est uniquement le désir de se dégager personnellement de toute responsabilité en ce qui concerne la conversion des droits *ad valorem* en droits spécifiques, quand, le nouveau tarif ayant cessé d'avoir le caractère strictement confidentiel qu'il a à présent, le monde commercial qui s'y trouve intéressé sera à même

Government according to the counter project of 1882 was estimated at $ 3,500,000, the increase in two articles alone, namely, kerosene and sugar, according to the revised tariff, would amount to $1,564,752. He was of opinion, therefore, that an error had been made in the conversion of *ad valorem* into specific duties, because the increase of duties in cotton and woollen fabrics also, if calculated on the same basis, would make the total exceed that which it was estimated would be yielded to the Japanese Government by the adoption of the counter project. Mr. Loureiro had worked out a calculation of the duties which would actually be levied on certain articles. In the case of gray shirtings, for instance, it was well known that sales were according to weight, and not according to superficial measurement. The value of a piece of shirting depended upon the weight, and not upon the width. The widths fixed by the tariff were 39 and 45 inches, but it was a known fact that the article is manufactured in pieces of the same width but of different weights and therefore of different values; for instance a piece of shirting, 39 inches broad, weighing six pounds, would be made to pay the same duty as one of equal dimensions but weighing twelve pounds. By this arrangement the Japanese Government might be the losers, while it was clear that foreign merchants would thus be made to pay on inferior goods the same duties as on goods of higher value. The same remarks applied to cigars, which by the tariff counter project of 1882, were to be made to pay ten per cent *ad valorem* duty, while according to the specific duties fixed in this revised tariff cigars of inferior quality, the consumption of which was larger than that of the better kinds, would be subject to a duty of forty per cent. However, he had only to repeat that his Government was ready to accept the *ad valorem* or any other tariff, if accepted by all the Powers interested. He was influenced in making these remarks in regard to the specific duties enumerated in the revised tariff, solely by the desire to guard himself personally against any responsibility in regard to the conversion of *ad valorem* into specific duties, which might attach to him, when the subject of the new tariff being no longer of a strictly confidential nature as it is at present, the commercial world

de former son jugement et d'exprimer son opinion sur les mérites de l'œuvre accomplie et approuvée par cette Conférence. Le seul point sur lequel il pourra se voir dans l'obligation de faire des observations, quand le moment en sera venu, sera la question des droits spécifiques sur les vins ; mais, comme ces produits ne constituent pour l'instant qu'un article peu important d'importation en ce qui touche le Portugal, il ne pense pas qu'il ait même à formuler à ce sujet aucune représentation.

M. Zappe, en réponse à une observation du Délégué des Etats-Unis, fait remarquer que le contre-projet de 1882 et le tarif révisé actuel sont, à l'égard des droits *ad valorem*, virtuellement identiques.

M. Wolff déclare que le Gouvernement suisse accepte le tarif élaboré par les Délégués étrangers et accepté par la Conférence de 1882, sous la réserve cependant qu'aucune modification portant sur un article quelconque ne sera introduite dans ce document. En ce qui touche le tarif spécifique, le second Délégué de la Suisse est d'avis que, vu les changements survenus depuis 1882, il serait fort désirable qu'une Commission fût nommée à l'effet de déterminer les valeurs imposables, et il appuie en conséquence la proposition du second Délégué d'Allemagne.

M. de Martino demande à constater que, d'une part, le tarif de 1882 est accepté à l'unanimité par les Délégués en ce qui concerne les droits *ad valorem*, et que, d'autre part, le projet de constituer une Commission pour déterminer les droits spécifiques est accepté par la très-grande majorité d'entre eux.

M. Hubbard rappelle la proposition faite par le Comte Zaluski et aux termes de laquelle la Commission serait autorisée à prendre l'opinion du commerce sur des questions techniques se rattachant au tarif. Etant donné que les intérêts commerciaux des Etats-Unis au Japon ne le cèdent à ceux d'aucune autre Puissance, il considère qu'il n'est que juste que des négociants américains soient également consultés. S'il croit devoir insister sur ce point, c'est que, lors de l'enquête à laquelle s'est livrée la Commission du tarif en 1882, les négociants américains n'ont pas été représentés dans le Comité consultatif nommé par cette Commission.

M. Zappe explique que des négociants américains avaient été invités, aussi bien que ceux

interested therein has opportunity of judging and expressing an opinion on the merits of the work done and approved of by this Conference. The only point on which he might be under the necessity of making observations, when the proper moment arrived, was in relation to the specific duties on wines, but as this article did not form a large item of import from Portugal at present, he was of opinion that he would not, even on this subject, make any representation whatever.

Mr. Zappe, in reply to an observation made by the Delegate of the United States, stated that the counter project of 1882 and the present revised tariff were, as regarded the question of *ad valorem* duties, virtually identical.

Mr. Wolff stated that the Swiss Government accepted the tariff framed by the Foreign Delegates and agreed to by the Conference of 1882, on the condition, however, that no modification whatsoever should be introduced in any article. With regard to the specific duties he was of opinion that in view of the changes which had taken place since 1882, it was very desirable that a Committee should be charged with the duty of determining the values to be placed on various goods, and he therefore supported the proposition of the Second Delegate of Germany.

Mr. de Martino wished to take note that the tariff of 1882 was accepted by all the Delegates as regards *ad valorem* duties, and that a large majority of the Delegates accepted the proposal to appoint a Committee to determine specific duties.

Mr. Hubbard desired to call attention to the proposal made by Count Zaluski that the Committee should be empowered to obtain mercantile opinion on technical points connected with the tariff. As the commercial interests of the United States in Japan were as large as those of any other Power, it was only right that American merchants should also be consulted. He thought it necessary to lay stress upon this point because on the occasion of the enquiries made by the Tariff Committee of 1882 American merchants had been unrepresented on the Consulting Committee of merchants appointed by that Committee.

Mr. Zappe desired to explain that several American merchants, as well as merchants of

d'autres nationalités, à faire partie du Comité consultatif, mais qu'ils avaient refusé.

M. de Martino propose que chaque nationalité soit représentée dans le Comité consultatif composé de négociants que désignera la Commission.

Le Comte Zaluski en réponse aux observations faites sur ce point par les Délégués des Etats-Unis et de la Suisse, constate qu'en proposant la formation d'une Commission pour l'achèvement de l'avant-projet de tarif, il entendait laisser aussi à ladite Commission pleine liberté de décider si le travail de la Commission spéciale placé sous les yeux des membres de la Conférence le 21 de ce mois, pouvait encore être consulté, c'est-à-dire si les valeurs commerciales fixées en 1882 devaient être adoptées, révisées ou entièrement écartées.

Le Président demande aux deux Délégués d'Allemagne s'il peut considérer les idées exprimées par eux comme représentant les vues *officielles* de leur Gouvernement. Tous deux ayant répondu affirmativement, il déclare accepter la proposition de M. Zappe, et il demande si cette proposition rencontre l'adhésion de chacun des membres de la Conférence.

Il est donné de nouveau lecture de la proposition de M. Zappe.

M. Sienkiewicz déclare accepter la proposition du second Délégué d'Allemagne, mais avec l'addition proposée par M. de Martino, c'est-à-dire à condition que des négociants appartenant à la nationalité de chacune des Puissances signataires soient admis dans le Comité consultatif.

M. de Martino déclare accepter la proposition du second Délégué d'Allemagne, mais il maintient l'amendement qu'il a précédemment formulé.

Le Comte Zaluski dit que la proposition qu'il avait soumise à la Conférence se trouvant avoir été prévenue par une proposition analogue faite par le second Délégué d'Allemagne, il la retire et se rallie avec plaisir à celle de M. Zappe, en tant qu'elle est conforme à la sienne propre.

M. Neyt déclare approuver la proposition ; mais il demande qu'il soit bien établi que chaque membre de la Conférence aura le droit de se mettre en relations directes avec la Commission pour lui soumettre les observations qu'il jugera nécessaire de faire, que la Commission fera mention dans son rapport de ces observations, et

other nationalities, had been asked to serve on the Committee in question, but had declined.

Mr. de Martino proposed that each nationality should be represented in the Consulting Committee of Merchants.

Count Zaluski wished to state in reply to the observations made on this subject by the Delegates of the United States and Switzerland, that in proposing the appointment of a Committee for the completion of the Tariff Counter Project, he had intended to leave it entirely to the Committee to decide whether the Report of the Special Committee distributed to the Members of the Conference on the 21st instant should be taken into consideration, that is to say, whether the commercial values fixed in 1882 should be adopted, revised, or simply rejected.

The President having asked the two Delegates of Germany whether their views might be taken as representing the *official* opinion of the German Government, and receiving a reply from both Delegates in the affirmative, stated that he accepted the proposal of the Second Delegate of Germany, and he desired to know whether this proposal met with the approval of each member of the Conference.

Mr. Zappe's proposition having been read again to the Conference, Mr. Sienkiewicz stated that he accepted the proposal of the Second Delegate of Germany, with the addition proposed by Mr. de Martino, that is to say, on the condition that merchants belonging to the nationality of each of the Treaty Powers should be admitted to the Consulting Committee.

Mr. de Martino accepted the proposal of the Second Delegate of Germany, with the addition of the amendment previously formulated by him.

Count Zaluski stated that in view of the fact that the proposition he had laid before the Conference had been anticipated by a similar proposition made by the Second Delegate of Germany, he begged to withdraw his proposal and had much pleasure in accepting in its place the proposal of Mr. Zappe, in so far as it included the suggestions contained in his own.

Mr. Neyt said he approved of the proposal of the Second Delegate of Germany, but desired that it should be clearly established that each member of the Conference should be entitled to hold direct relations with the Committee, and to submit for its consideration any observations which he might think it necessary to make ;

que, si elle ne croit pas devoir en tenir compte, elle devra en exposer la raison à la Conférence.

M. Sienkiewicz approuve la réserve faite par le Délégué de Belgique.

M. Hubbard ne dissimule pas qu'il n'est pas partisan de la proposition de M. Zappe; mais il explique qu'il ne veut pas empêcher, par son opposition, l'adoption d'aucune transaction à laquelle on pourrait arriver. Il tient toutefois à ce qu'il soit bien établi que son Gouvernement est plutôt en faveur de l'acceptation pure et simple du tarif révisé soumis à la Conférence. Dans ces conditions, il ne saurait ni approuver la proposition du second Délégué d'Allemagne, ni s'opposer formellement à la nomination de la Commission; mais il se réserve le droit de protester contre les conclusions de cette Commission s'il le juge nécessaire. Il pense que, si la Commission est nommée, le Délégué des Etats-Unis doit avoir au moins le droit de lui indiquer les noms des négociants américains qu'il pourra désirer voir consulter par elle.

Le Président demande que la Conférence veuille bien se prononcer sur la proposition du Comte Zaluski à l'égard de la constitution de la Commission dont la nomination a été décidée. Le Délégué d'Autriche-Hongrie a proposé que la Commission fût composée de M. van der Pot, M. Zappe, Sir Francis Plunkett et M. Aoki. Cette proposition rencontre-t-elle l'agrément de la Conférence?

La Conférence, à l'unanimité, déclare approuver ce choix.

Le Délégué des Pays-Bas, le second Délégué d'Allemagne, le Délégué de la Grande-Bretagne et le second Délégué du Japon s'étant déclarés disposés à accepter les fonctions qui leur sont confiées, le Président les remercie de leur empressement à se charger du soin d'aider à l'achèvement du projet de Tarif.

M. Hubbard demande la permission de faire une proposition ainsi conçue:

"En prenant l'avis du commerce sur les "questions techniques se rattachant au tarif, la "Commission devra s'attacher à consulter des "négociants de toutes les nationalités."

Sir Francis Plunkett propose à son tour l'amendement suivant:

"Que la Commission soit autorisée à prendre "l'avis du commerce, à condition que des négoci-

and that the Committee, if it decided not to adopt any suggestion thus made to it, should report to the Conference the reasons for their rejection.

Mr. Sienkiewicz approved of the reservation made by the Delegate of Belgium.

Mr. Hubbard stated in explanation of his unwillingness to accept Mr. Zappe's proposal, that he had no desire to hinder the adoption of any compromise that might be effected, but he wished it to be distinctly understood that his Government preferred the acceptance of the Revised Tariff submitted to the Conference just as it stood. He would, therefore, neither give his approval to the proposal of the Second Delegate of Germany, nor make any formal objection to the appointment of the proposed Committee, but he would reserve to himself the right to object to the conclusions of that Committee, if he thought it necessary to do so. He was of opinion that if the Committee was appointed, the Delegate of the United States should at least have the right to suggest to it the names of the American merchants whom it was desirable that the Committee should consult.

The President asked the Conference to vote upon the proposition of Count Zaluski in regard to the constitution of the Committee it had been agreed to appoint. The Delegate of Austria-Hungary had proposed that the Committee should be composed of the following Delegates. Mr. van der Pot, Mr. Zappe, Sir Francis Plunkett and Mr. Aoki. Did this proposal meet with the approval of the Conference?

All the Delegates declared their assent.

The Delegate of the Netherlands, the Second Delegate of Germany, the Delegate of Great Britain, and the Second Delegate of Japan, having signified their willingness to serve on the Committee, the President thanked them for their readiness to assist in the work of completing the Tariff Project.

Mr. Hubbard begged to make the following proposal:—

"In consulting mercantile opinion on technical "points relating to the Tariff, it shall be incum-"bent on the Committee to obtain the views of "merchants of every nationality."

Sir Francis Plunkett proposed the following amendment:

"That the Committee be authorized to "obtain mercantile opinion on condition that

"ants de toutes les nationalités seront consultés."

Le Président demande à Sir Francis Plunkett s'il entend que les négociants japonais seront consultés au même titre que les négociants étrangers.

Sir Francis Plunkett répond qu'il n'avait pas songé à ce point spécial, mais personnellement il n'a aucune objection à ce que des négociants japonais soient consultés par la Commission.

Les Délégués d'Italie et des Etats-Unis se déclarent disposés à accepter l'amendement de Sir Francis Plunkett aux lieu et place des propositions respectivement formulées par eux, et cet amendement est en conséquence accepté à l'unanimité.

M. Sienkiewicz prend acte du fait que la Commission devra nécessairement entendre tout négociant qui pourra lui être désigné par l'un des Délégués.

M. van der Pot exprime le désir qu'en présence des divers propositions et amendements présentés, la nature des obligations et l'étendue des pouvoirs de la Commission soient clairement définies par la Conférence.

Après une courte discussion sur ce point, le Président fait remarquer que ces obligations et ces pouvoirs sont définis d'une façon suffisamment nette dans la proposition formulée par le second Délégué d'Allemagne.

Le Président propose ensuite que la Conférence s'ajourne au mardi 8 juin, à 2 heures de l'après-midi.

Cette proposition est adoptée, et la séance est levée à 5 heures moins un quart.

Signé :

SIENKIEWICZ.
R. DE MARTINO.
G. NEYT.
J. DELAVAT.
SPEYER.
A. WOLFF.

"every nationality be consulted."

The President enquired of Sir Francis Plunkett whether he understood that Japanese merchants would be consulted in the same manner as Foreign merchants.

Sir Francis Plunkett replied that this point had not occurred to him, but that personally he had no objection whatever to Japanese merchants being consulted by the Committee.

The Delegates of Italy and of the United States expressed their willingness to accept Sir Francis Plunkett's amendment in the place of the propositions formulated by them, respectively, and this amendment was accordingly adopted unanimously.

Mr. Sienkiewicz took note of the fact that the Committee must necessarily consult every merchant who might be designated for consultation by one of the Delegates.

Mr. van der Pot expressed a wish that in view of the different suggestions and amendments made, the duties and powers of the Committee should be clearly defined by the Conference.

After a short discussion on this subject the President stated that these duties and powers were, he thought, defined with sufficient exactness in the proposal formulated by the Second Delegate of Germany.

It was then proposed by the President that the Conference should adjourn until Tuesday the 8th June at 2 o'clock in the afternoon.

This proposal was adopted and the meeting terminated at a quarter to 5 o'clock.

Signed :

INOUYE KAORU.
AOKI.
ZALUSKI.
F. R. PLUNKETT.
RICHARD B. HUBBARD.
HOLLEBEN.
ZAPPE.
J. J. VAN DER POT.
J. LOUREIRO.

Certifié conforme à l'original :

SAITO SHIUICHIRO.
BARON DE SIEBOLD.
D. W. STEVENS.
JOHN H. GUBBINS.
P. DE LUCY-FOSSARIEU.

Certified to be a correct copy :

PROTOCOLE Nº 5.

SÉANCE DU 8 JUIN 1886.

PROTOCOL Nº 5.

MEETING OF THE 8TH JUNE, 1886.

PROTOCOLE Nº 5.

SÉANCE DU 8 JUIN 1886.

La Conférence s'est réunie à 2 heures de l'après-midi, sous la présidence du Comte Inouyé.

Etaient présents:

Pour le Japon:
Le Comte Inouyé et M. Aoki;
Pour la France:
M. Sienkiewicz;
Pour l'Autriche-Hongrie:
Le Comte Charles Zaluski;
Pour la Grande-Bretagne:
Sir Francis R. Plunkett;
Pour l'Italie:
M. de Martino;
Pour la Belgique:
M. Neyt;
Pour les Etats-Unis d'Amérique:
M. Hubbard;
Pour l'Allemagne:
M. von Holleben et M. Zappe;
Pour les Pays-Bas, pour la Suède et la Norvège, et pour le Danemark:
M. van der Pot;
Pour l'Espagne:
M. Delavat;
Pour le Portugal:
M. Loureiro;
Pour la Russie:
M. de Speyer;
Pour la Confédération suisse:
M. von Holleben et M. Wolff.

Le Président propose qu'il soit procédé à la signature du protocole de la dernière séance et demande si auparavant aucun Délégué n'a d'observations à formuler.

M. van der Pot demande à faire les observations suivantes sûr le discours du Délégué des Etats-Unis qui figure au protocole de la dernière séance.

"Monsieur le Président,

"Dans l'éloquent discours prononcé au cours "de la dernière séance par notre honorable "collègue le Délégué des Etats-Unis, il y a "quelques points sur lesquels je désirerais

PROTOCOL Nº 5.

MEETING OF THE 8TH JUNE, 1886.

The Conference met at 2 o'clock in the afternoon, under the presidency of Count Inouye.

There were present:

For Japan:
Count Inouye and Mr. Aoki;
For France:
Mr. Sienkiewicz;
For Austria-Hungary:
Count Charles Zaluski;
For Great Britain:
Sir Francis R. Plunkett;
For Italy:
Mr. de Martino;
For Belgium:
Mr. Neyt;
For the United States of America:
Mr. Hubbard;
For Germany:
Mr. von Holleben and Mr. Zappe;
For the Netherlands, for Sweden and Norway, and for Denmark:
Mr. van der Pot;
For Spain:
Mr. Delavat;
For Portugal:
Mr. Loureiro;
For Russia:
Mr. de Speyer;
For the Swiss Confederation:
Mr. von Holleben and Mr. Wolff.

The President proposed that the Protocol of the previous meeting should be signed, and enquired whether, before doing so, any Delegate had any remarks to offer.

Mr. van der Pot begged to make the following observations with reference to the speech of the Delegate of the United States which appeared in the Protocol of the last meeting.

"Mr. President,

"In the eloquent speech delivered by our "Hon. Colleague, the Delegate of the United "States at our last meeting, there are a few "items to which I would venture to call his

"appeler son attention, car ils nécessitent, à "mon avis, de légères rectifications.

"A la page 6 et à la page 7 du protocole "N^{o} 4 nous trouvons un résumé historique de "la question du tarif, résumé que le Délégué "des Etats-Unis déclare exact et fidèle et sur "lequel il base ses conclusions. Comme l'un "des membres de la Commission nommée par "la Conférence en 1882, il me sera permis "peut-être d'avoir une opinion différente et de "présenter à mon tour un aperçu historique "conforme aux faits tels qu'ils se sont produits.

"La Commission nommée par la Conférence "de 1882 a bien désigné un comité de négociants "chargé de contrôler les valeurs imposables du "tarif d'importation telles qu'elles avaient été "calculées par le Gouvernement japonais; mais "elle n'a rien fait de plus, ses travaux s'étant "trouvés suspendus par un vote de la Conférence, "le 27 juillet 1882 (prot. N^{o} 16). Le rapport "soumis à la Conférence actuelle représente le "résultat des travaux de ce comité de négociants, "et *non pas* le rapport de la Commission nom- "mée par la Conférence de 1882. Ce rapport "a été remis à feu Sir Harry Parkes par le "comité le 31 juillet 1882, mais il n'a jamais "été présenté sous une forme officielle à la "Commission de Délégués, ni approuvé par elle, "puisque cette Commission avait dès lors cessé "d'exister. Nous ne saurions donc nous appro- "prier les termes flatteurs dans lesquels le "Délégué des Etats-Unis parle de nos travaux "ardus, non plus que les termes moins flatteurs "dans lesquels le Délégué de Portugal attaque "le rapport, puisque ce n'est point notre œuvre, "mais seulement et exclusivement celle des "négociants de Yokohama. Ce point étant "établi, il s'ensuit que le rapport présenté à "cette Conférence *ne constitue en aucune façon* "*et n'a jamais constitué* une partie du contre- "projet de tarif de 1882, et que le tarif "révisé soumis à cette Conférence, et où "figurent les chiffres de ce rapport, n'est ni en "fait ni en substance le contre-projet de 1882 "amplifié et n'a rien de commun avec lui. "Ce tarif révisé n'est donc obligatoire que pour "ce qui concerne les droits *ad valorem*, et il n'a "nullement un semblable caractère pour ce qui "se rattache aux droits spécifiques.

"Je regrette sincèrement que notre honorable "collègue le Délégué des Etats-Unis nous "juge assez mal, le second Délégué d'Allemagne

"attention, as I consider that they require some "slight alterations.

"On page 6 and also on page 7 of Protocol "No 4. we find a historical statement of the "tariff question, which the United States Del- "egate calls a plain and correct one, and on "which he bases his conclusions. As one of the "members of the Committee appointed by the "Conference of 1882, I may be permitted to "hold a different opinion and to furnish, in my "turn, a historical statement in accordance with "facts as they occurred.

"The Committee appointed by the Confer- "ence of 1882 did appoint a Sub-Committee "of merchants to check off the dutiable values "of the Import Tariff as estimated by the "Japanese Government,—but did nothing else, "as its work was suspended by a vote of the "Conference on the 27th July 1882 (Prot. No. "16). The report brought before this Confer- "ence is the result of the labours of the Sub- "Committee of merchants, but *not* the report of "the Committee appointed by the Conference. "This report was presented by the Sub-Com- "mittee to the late Sir Harry Parkes on the "31st July, 1882, but was *never* in any official "form, laid before or approved by the Com- "mittee of Delegates, *which had at that date* "*ceased to exist*. We must therefore disclaim "the flattering terms in which the United "States Delegate refers to our arduous labours, "as well as the less flattering terms in which "the Delegate for Portugal condemns the re- "port, as it is not our work, but solely and "exclusively that of the Yokohama merchants. "This being an established fact, it follows that "the report presented is *in no way, and never* "*has been* a part of the Counter Project of 1882, "and that the Revised Tariff, presented to this "Conference and including the figures of that "Report, is neither in fact, nor in substance the "amplified Counter Project of 1882, and has "no substantial identity with the same. It has "binding power only in so far as regards *ad* "*valorem* rates, but has no such power in res- "pect to specific duties.

"I sincerely regret that our Hon. Colleague "the United States Delegate does such small "credit to both the Second Delegate for Ger-

"et moi, pour persister à nous attribuer la "paternité de ce rapport, qu'il nous a pourtant "vus déjà détruire de nos propres mains. Si "nous avions été animés du moindre sentiment "paternel à l'égard d'un pareil document, nous "n'aurions pas manqué, sans nul doute, de le "présenter sous une forme convenable et "conforme aux exigences du moment: dans ce "cas, on nous aurait vus défendre notre œuvre, "mais non pas l'étouffer dès son apparition.

"Je prendrai la liberté d'ajouter encore "quelques observations sur certaines apprécia- "tions du Délégué des Etats-Unis relatives aux "droits d'importation.

"A la page 10 du protocole, nous trouvons "cette phrase:

"'Est-ce que tous nos Gouverhements ne "'payeraient pas aujourd' hui ce droit d'impor- "'tation surélevé .....?'

"Je proposerais de substituer le mot "négo- "'ciants" à celui de "Gouvernements".

"A la même page on lit:

"'Nous ne devons pas oublier que, grâce à "'la même circonstance, les Puissances signa- "'taires ont économisé à leurs trésors bien "'remplis et à leur commerce les sommes "'perdues par le Japon.'

"Je dois protester énergiquement contre cette "expression. Aucune des Puissances signataires "que j'ai l'honneur de représenter ici n'a "économisé un sou par suite du fait que la "révision du tarif n'a pu aboutir en 1882, et le "Japon n'en a pas perdu davantage. Notre "collègue, en employant cette expression, a "entièrement perdu de vue le fait, établi et "universellement reconnu, que c'est le consom- "mateur qui supporte en fin de compte les "droits d'importation, et que, si le Trésor n'a "point recueilli les 7 ou 8 millions de dollars "de revenu dont il parle, c'est le consommateur "japonais, ce sont les 37 millions d'habitants "qui peuplent le pays, qui ont économisé cette "somme à leurs maigres budgets particuliers.

"De même, et pour les mêmes motifs, je dois "protester contre les expressions suivantes que "je trouve à la page 11:

"'..... Tandis que toutes les Puissances "'bénéficieront d'un gain correspondant.....' "et plus loin '..... les Puissances ..... ont "'recueilli le bénéfice .....' résultant pour "elles de l'élévation des prix ou des fluctua- "tions des valeurs de l'or et de l'argent.

"many and myself as to persist in calling us the "fathers of this report, which he has already "seen us destroy with our own hands. If we "had fostered any such paternal feelings towards "a document of this kind, I dare say we should "undoubtedly have taken care to present it in "due form and in accordance with the spirit of "the present day, and in that case we should "have defended our work, but not strangled it "on its first appearance.

"I may also be allowed to make a few obser- "vations on some passages in the speech of the "United States Delegate referring to import "duties.

"On page 10 of the Protocol we find:

"'Would not all our Governments to-day be "'paying this increased import duty' .....?

"I would propose to read the word "mer- "chants" for "Governments."

"On the same page it is said:—

"'We ought not to forget that by the same "'failure (to complete the revision in 1882) the "'Treaty Powers have saved to their full ex- "'chequers and to their commerce the amount "'which Japan has lost.'

"I beg to protest emphatically against that "expression. Not one of the Treaty Powers 'which I have the honor to represent here has "saved a single cent by that failure, nor has "Japan lost anything. Our Colleague in using "that expression has entirely lost sight of the well "established and universally recognized fact "that import duties are ultimately paid by the "consumer, and that if the treasury has not "collected the 7 or 8 millions of revenue, the "Japanese consumer, the '37 millions of "people,' have saved that amount to their emp- "ty private exchequers.

"In the same way, and for the same reasons, "I beg leave to protest against the expressions "on pages 10 and 11, where it is said,

"'..... While all the Treaty Powers would "be the 'gainers,.....' and again further on, "..... 'have reaped 'benefit.....' either "from any rise of market values or from "fluctuations of the gold and silver market.

"Notre honorable collègue, en soutenant le "tarif révisé, a été bien dur pour les pauvres "consommateurs, et sa voix puissante, qu'il "élevait en faveur du Japon, n'a fait que "défendre le Trésor public, sans égard, sans "pitié pour les 37 millions de sujets qui, dans "son opinion, auraient dû payer un surplus de "7 ou 8 millions de dollars en droits de douane "depuis 1882.

"Dans l'unanimité avec laquelle a été accepté "l'autre jour le contre-projet de tarif, j'espère "que notre honorable collègue aura vu la preuve "que pas une des Puissances signataires n'a la "moindre intention de refuser au Japon ce qui "lui appartient de droit; mais, en même temps, "nous devons veiller à ce que les exigences du "Trésor n'entravent point trop l'expansion "normale et nécessaire du commerce, et c'est "dans le but de rechercher, et dans l'espoir de "réaliser cette heureuse combinaison, que nous "nous déclarons tout prêts à reprendre notre "œuvre par la base et à la perfectionner autant "qu'il dépendra de nous".

M. Neyt fait à son tour les remarques suivantes:

"A la dernière séance, nous avons entendu "M. le Ministre des Etats-Unis, dans un "discours fort éloquent, nous donner des "appréciations qui ont soulevé le plus vif intérêt.

"Au risque de tomber dans des redites en "citant certain passage de ce discours auquel "mon collègue des Pays-Bas vient de faire "allusion, je demande la permission de repro-"duire ici textuellement la partie qui m'a tout "spécialement frappé.

"M. Hubbard nous a dit: 'Supposons que le "'contre-projet de 1882 ait été appliqué, comme "'toutes les Puissances, à l'exception des Etats-"'Unis, ont consenti à ce qu'il le fût: est-ce que "'tous nos *Gouvernements* ne paieraient pas au-"'jourd'hui, et pour des années à venir, ce droit "'d'importation surélevé, de 10 ou 11 pour cent, "'qui a été calculé d'après les valeurs moyennes "'des trois années immédiatement antérieures "'à 1882? C'est là une proposition que nul ne "'saurait contester. Devons-nous perdre de vue "'le fait que, faute d'avoir réussi à faire de ce "'contre-projet..... un tarif définitif, le Japon "'se trouve *perdre*, pour les quatre dernières "'années, une somme totale de 7 à 8 millions de "'dollars dans ses revenus? D'autre part, "'n'oublions pas non plus que, grâce à cette

"Our Hon. Colleague in supporting the "Revised Tariff has been rather hard upon the "poor consumers, and his powerful voice, which "was meant to be raised in favor of Japan, has "only patronised the treasury and has had no "mercy for the 37 millions of subjects, who, "according to his opinion, ought to have paid "an extra 7 or 8 millions of revenue in in-"creased import duties since 1882.

"From the general acceptance of the Counter "Project Tariff I trust our Hon. Colleague "will have seen, that not one of the Treaty "Powers has the slightest idea of withholding "from Japan what is her right and her due, "but at the same time we have to take care that "the demands of the Treasury do not press too "heavily on the needful and healthy expansion "of trade, and it is in search of that happy "combination, and in the hope of attaining it, "that we willingly agree to begin our work "afresh, and to improve on it as much as we "can."

Mr. Neyt also made the following remarks:—

"At our last meeting, the Minister for the "United States in a very able speech made "some observations which have excited the "utmost interest.

"At the risk of repeating what has been "said before, if I quote a certain passage in "that speech which has been already alluded "to by my Colleague of the Netherlands, I "beg leave to quote textually the part which "has particularly struck me.

"Mr. Hubbard said: 'Suppose that the "'Counter Project of 1882 had gone into effect "'(as all the Powers, except the United States, "'agreed that it should), would not all our "'*Governments* to day (and for years to come) "'be paying this increased import duty of from "'10 to 11%, calculated on the mean values of "'the three years next preceding 1882? None "'can controvert that proposition. Ought we "'to lose sight of the fact that the failure at "'that time to make that Counter Project a "'completed revision caused a loss to Japan in "'the past four years of seven or eight mil-"'lions of revenue? On the other hand we "'ought not to forget that by the same failure "'*the Treaty Powers have saved to their full exche-*"'*quers and to their commerce the amount which*

"'même circonstance, *les Puissances signataires*
"'*ont économisé à leurs Trésors bien remplis et à*
"'*leur commerce les sommes perdues par le Japon*'.

"Je crois, Messieurs, que M. le Délégué des
"Etats-Unis est dans l'erreur lorsqu'il soutient
"que, si le contre-projet de 1882 avait été
"appliqué depuis quatre ans, nos *Gouvernements*
"paieraient depuis cette époque, et pour des
"années à venir, la majoration sur les droits de
"douane dont ce contre-projet frappe les mar-
"chandises à leur importation. M. Hubbard
"oublie qu'en tout état de cause, le droit
"d'importation est payé en dernier ressort par
"le consommateur; le commerçant importateur
"ne fait qu'en avancer le montant et il se fait
"rembourser de ses avances en augmentant
"d'autant son prix de vente.

"Il ne saurait être question ici d'une perte
"subie par le Japon, perte dont les Puissances
"auraient cherché à tirer profit à la faveur des
"traités.

"En soutenant une pareille thèse, on nous
"adresse un reproche absolument immérité et
"dont l'injustice, je ne crains pas de le dire,
"saute aux yeux.

"N'oublions pas, Messieurs, que le tarif des
"douanes, lorsqu'il a, comme c'est le cas pour
"le Japon, un but essentiellement fiscal, est tout
"simplement un impôt, et que cet impôt est
"perçu non pas aux dépens, ni des Gouverne-
"ments, ni des commerçants, ni des fabricants
"étrangers, mais qu'il pèse uniquement et
"exclusivement sur le consommateur japonais.

"Si l'on rencontre chez la grande majorité
"d'entre nous, je dirai chez presque l'unanimité
"des Représentants des Puissances, une grande
"circonspection et une prudence méticuleuse
"lorsqu'il s'agit de la fixation des droits de
"douane pour cet Empire, fixation à laquelle
"des circonstances toutes particulières font que
"nous sommes appelés à prendre part, ce n'est
"pas, comme semble le croire M. le Ministre
"des Etats-Unis, pour chercher à faire profiter
"nos *Gouvernements*, ce qui est inadmissible, ou
"notre commerce, d'une perte subie par le
"Japon: c'est uniquement dans la crainte qu'un
"tarif trop élevé ne vienne à étouffer l'essor
"des échanges internationaux, échanges qui
"sont indispensables à la vie des peuples et qui
"sont tout aussi profitables à celui qui achète
"qu'à celui qui vend. Car nul n'achète que ce
"dont il a un besoin indispensable ou qu'il

"'*Japan has lost.*'

"Mr. Hubbard makes, I believe, a mis-
"take when he says that if the Counter-Project
"of 1882 had been in force for the last four
"years, our *Governments* would have had to pay
"from that time, as well as for years to come,
"the greater portion of the duty which this
"Counter Project imposes on all merchandise
"on its importation. Mr. Hubbard forgets
"that in every case the duty on importation is
"paid, in the last instance, by the consumer;
"the importing merchant only advances the
"amount, and gets repaid for the advanced
"money by raising his sale-price in proportion.

"There can be no question here of a loss
"sustained by Japan, a loss out of which the
"Powers favoured by the treaties have tried to
"draw profit.

"In upholding such an assertion a reproach
"is addressed to us, a reproach totally un-
"deserved and striking in its injustice, as I am
"not afraid to say.

"We must not forget that the Customs tariff,
"when, (as is the case in Japan) it serves a
"purely fiscal purpose, is simply a tax, and that
"this tax is not levied at the expense of either
"Governments, merchants, or foreign manufac-
"tures, but solely and exclusively at that of the
"Japanese consumer.

"If we meet in the great majority, nay, I
"may say in nearly all the Representatives of
"the Powers, great circumspection and pru-
"dence in dealing with the question of fixing
"the Customs duties of this Empire,—a ques-
"tion in the determination of which very ex-
"ceptional circumstances have allowed us to
"take part,—this is not occasioned, as Mr.
"Hubbard seems to believe, by the wish for
"some profit to our *Governments*, (which is in-
"admissible), or to our commerce, on condition
"of a loss sustained by Japan; it is occasioned
"by nothing but the fear that a tariff which is
"*too high* might have the effect of stopping the
"development of international commerce, which
"is indispensable for the life of peoples, and, in
"equal proportion, profitable to the buyer and
"seller. For no one buys but what is an in-
"dispensable necessity to him, or what he can

"trouve meilleur marché de se procurer chez "son voisin que de fabriquer lui-même, et pas "du tout dans le but d'enrichir le vendeur. "Ce serait là un comble de désintéressement "dont on n'a pas encore, que je sache, eu "d'exemple, même aux Etats-Unis, où les "coffres sont si bien remplis!

"Je dirai de plus, en terminant, que ceux "qui, par une sage modération, s'efforcent de "rester dans des limites aussi restreintes "que possible lorsqu'il s'agit de frapper la "population japonaise et les échanges inter-"nationaux d'un surcroît d'impôt, me semblent "servir les intérêts du pays, qu'on ne saurait, "sans commettre une grave erreur, identifier "complètement avec les intérêts du Trésor.

"Quoiqu'il en soit, je rejette bien loin pour "mon Gouvernement, pour mes collègues qui "ne me démentiront certainement pas, et pour "moi-même, l'accusation d'être guidés par "l'espoir, par le désir de faire subir au Japon, "une perte matérielle dont nous chercherions "à profiter.

"Je maintiens que nos intérêts sont connexes, "en ce sens que notre but unique est de donner "au commerce tout le développement qu'il est "susceptible d'atteindre et, dans mon opinion, "la plus grande preuve d'intérêt et le meilleur "service que nous puissions rendre au Japon "dans la circonstance présente est de réunir "nos efforts pour maintenir le tarif que nous "sommes appelés à fixer dans des limites aussi "restreintes que le permettent les exigences "légitimes du Trésor.

"Représentant d'un pays où les principes du "libre échange ont des racines profondes, et "personnellement partisan convaincu de la "doctrine qui soutient qu'un tarif de douane "réduit est un des principaux éléments de la "prospérité d'un pays, je ne saurais être suspecté "sur les mobiles qui me font agir quand je "réclame un avantage semblable pour le Japon. "Je ne fais que mettre en pratique un précepte "qui nous est commun à tous, précepte qui "nous enjoint de ne pas souhaiter aux autres ce "dont nous ne voudrions pas pour nous-mêmes."

M. von Holleben présente aussi quelques observations sur le même sujet.

"Il m'avait également paru nécessaire, dit-il, "de répondre aux paroles prononcées à la "dernière séance par mon collègue des Etats-"Unis; mais je m'étais abstenu de répondre

"procure from his neighbor at a cheaper rate "than his own manufacturing would allow; no "one truly buys with the self denying purpose "of enriching the seller. That would be a "climax which, to my knowledge, has been "as yet unprecedented, even in the United "States whose coffers are so well filled!

"I may add moreover, in conclusion, that "those who by a wise moderation try to remain "within limits as narrow as possible, when there "is a question of imposing on the Japanese "population and international commerce an "overweight of taxes, appear to me to serve the "interests of the country, which, without serious "error, cannot be completely identified with the "interests of the treasury.

"However that may be, I reject to the ut-"most for my Government, for my Colleagues, "who certainly will not gainsay me, and for "myself, the accusation of being guided by the "hope, or by the wish to allow Japan to sustain "a substantial loss by which we shall profit."

"I uphold that our interests are the same, in "this sense, that our sole purpose is to give to "commerce all possible development; and the "greatest proof of interest and the best service "which we can, under the present circumstances, "render to Japan, according to my opinion, "would be the uniting of our efforts to keep "the tariff which we are called upon to fix, "within as narrow limits as the legitimate exi-"gencies of the Treasury will allow.

"As the representative of a country where "the principles of free trade have taken root "profoundly, and, personally as a convinced "partisan of the doctrine which upholds that a "reduced customs tariff is one of the principal "elements of a country's prosperity, no one can "doubt the motives which induce me to act "when I claim a like advantage for Japan. I "only put into practice a precept which, is com-"mon to all, a precept which enjoins upon us "not to wish others that which we would not "like to have for ourselves."

Mr. von Holleben made the following observations upon the same subject:—

"I also considered it necessary to reply "to the speech made at the last meeting by my "Colleague of the United States, but I abstain-"ed from making an immediate answer because

"sur-le-champ, désirant auparavant prendre "connaissance du texte du discours tel qu'il "figurerait au protocole. Quoique j'aie constaté "que, sous cette forme, certains passages produi- "sent une impression moins vive qu'on n'aurait "pu s'y attendre d'après le ton du discours tel "qu'il avait été prononcé, une grande partie de "ce discours me semble encore bien contestable, "et je partage entièrement à cet égard les "observations qui viennent d'être faites par mes "collègues des Pays-Bas et de Belgique. Je "me plais à reconnaître avec eux le but "estimable que s'était proposé notre honorable "collègue M. Hubbard, ainsi que les bonnes "intentions qu'il a exprimés si éloquemment; "mais il me semble qu'il a sacrifié au désir de "se faire passer pour le meilleur ami du Japon "certains points d'un intérêt pratique que "viennent de rétablir MM. van der Pot et "Neyt. De l'ensemble de ce discours, il se "dégage l'impression qu'on a voulu jeter un "blâme sur l'attitude des Puissances européennes "vis-à-vis du Japon, en lui opposant les protes- "tations amicales des Etats-Unis. Je crois "pourtant que les Représentants des Puissances "européennes ici réunis, et je réponds tout au "moins des Représentants de l'Allemagne, sont "les uns et les autres tout aussi sincèrement "disposés à favoriser le développement politique "et économique du Japon, tout aussi soucieux "des intérêts de ce pays, que peut l'être le "Représentant des Etats-Unis lui-même, et je ne "doute pas que les négociations actuelles ne "leur fournissent l'occasion de le prouver "péremptoirement."

Sir Francis Plunkett désire ajouter les remarques suivantes à celles déjà faites par les Délégués des Pays-Bas, de Belgique et d'Allemagne.

"M. Hubbard, dans son discours, insiste "particulièrement sur le fait que les Etats-Unis "acceptent le droit de 15 pour cent *ad valorem* "sur les 1.667.721 dollars d'huile de pétrole "qu'ils importent au Japon. Mon honorable "collègue semble oublier que le commerce "anglais aura à supporter un droit de 20 pour "cent *ad valorem* sur le sucre, article dont il a "été importé, en 1885, de Hongkong, dans les "deux seuls ports de Yokohama et de Kobé, "pour plus de 3 millions de dollars.

"L'importation totale du sucre au Japon "pendant l'année dernière, non compris les

"I desired first to acquaint myself with the "text of the speech as it was recorded in the "Protocol. And although I have since noticed "that several passages in the Protocol sound "less marked than there was reason to expect "from the tone of the speech when delivered, "a large portion of the same still seems to me "to be open to question, and with regard to "those points I agree with the objections which "have been made by my Colleagues of the "Netherlands and of Belgium. Like them I "recognize fully the estimable object which our "honorable Colleague, Mr. Hubbard, had in "view, as well as the intentions which he so "eloquently expressed, but I think he has "sacrificed many considerations of a practical "nature, which have been explained by Mr. "van der Pot and Mr. Neyt, to the desire to "figure as the best friend of Japan. The entire "speech could not but produce the impression "that a reflection was intended on the attitude "observed by the European Treaty Powers "towards Japan, which was placed in contrast "with the friendly assurances made by the "United States. It seems to me however, that "the Representatives of the European Powers "assembled here, and I can answer for the Re- "presentatives of Germany, are all as earnest "in their desire to promote the political and "economic progress of Japan as the Delegate "of the United States, and that they will "support her no less, and I believe that the "present negotiations will enable them to give "ample and sufficient proof of this."

Sir Francis Plunkett desired to add the following remarks to those made by the Delegates of the Netherlands, Belgium, and Germany.

"Mr. Hubbard lays stress on the fact that "the United States accepts a 15% *ad valorem* "duty on the $1,667,721 of kerosene oil "imported from the United States. My honor- "able Colleague seems to forget that English "trade will have to bear a duty of 20% *ad* "*valorem* on Sugar, of which over $ 3,000,000 "worth was imported in 1885 from Hongkong "into the two ports of Yokohama and Kobe "alone.

"The total importation of sugar last year, "exclusive of syrup and molasses, into Japan

"sirops et les mélasses, s'est élevée à 4.713.574
"dollars, dont près de 3.400.000 dollars en
"provenance de Hongkong seulement.

"M. Hubbard affirme encore que 'son pays
"est plus qu'aucun autre intéressé dans ce
"tarif'.—Je ne vois pas bien comment il peut
"en être ainsi. Nous discutons un tarif de
"droits d'importation. Or, sur les 28.467.000
"dollars qui représentent les importations totales
"au Japon pour l'année 1885, les Etats-Unis
"ne figurent que pour 2.726.184 dollars, tandis
"que l'Angleterre et ses colonies ont importé
"dans ce pays pour 15,883.706 dollars.

"M. Hubbard soutient, en outre, que les
"Etats-Unis prennent des exportations du
"Japon pour 13 millions de dollars de plus
"que la Grande-Bretagne. Si je me reporte aux
"comptes-rendus de la Douane, je vois qu'en
"1885 la Grande-Bretagne, les Indes Orien-
"tales et l'Australie ont pris de ces exportations
"pour 3.188.296 dollars, tandis que les Etats-
"Unis figurent pour une exportation du Japon
"de 15.613.808 dollars. Cependant, si M.
"Hubbard veut bien jeter les yeux sur ce
"rapport rédigé par la Chambre de Commerce
"de Yokohama, il verra que seulement pour le
"thé expédié de Yokohama et de Hiogo en Amé-
"rique, pendant la saison 1885-86, 2.761.890
"dollars de cette marchandise ont été envoyés au
"Canada sur un total de 9.774.535 dollars indi-
"qués comme étant à destination des Etats-Unis.

"Je revendique donc pour mes compatriotes
"une part considérable du commerce qui est
"porté, dans les comptes-rendus de la Douane, à
"l'actif des Etats-Unis, par la seule raison que
"les marchandises sont expédiées directement
"d'ici à San-Francisco.

"L'ouverture d'une ligne directe de vapeurs
"entre le Japon et la Colombie anglaise prou-
"vera bientôt, je l'espère, l'exactitude de mes
"calculs".

M. Hubbard, en réponse, prononce les paroles suivantes:

"Mon collègue qui représente les Pays-Bas,
"la Suède et la Norvège et le Danemark, et
"mes collègues de Belgique et d'Allemagne
"viennent de prononcer, à tour de rôle, de
"brillants discours, soigneusement écrits et
"préparés pendant la semaine qui s'est écoulée
"depuis notre dernière séance, en réponse à ce
"que j'ai eu l'honneur de dire en cette occasion.
"Je leur retourne bien cordialement les termes

"was $ 4,713,574, of which nearly $ 3,400.000
"came from Hongkong alone.

"Mr. Hubbard further states that 'his coun-
"'try is more largely interested in this tariff
"'than any other country.' I fail to see how
"this can be the case. We are discussing a
"tariff of import duties. Now out of a total
"importation into Japan of $ 28,467,000 in
"1885 the United States are credited only with
"$ 2,726,184, while from England and her
"Colonies imports worth $ 15,883,706 arrived
"in this country.

"Mr. Hubbard further claims that the
"United States take $ 13,000,000 more of
"Japan's exports than does Great Britain. If
"I turn to these Customs Returns, I find that
"in 1885, Great Britain, the East Indies and
"Australia took $ 3,188,296, while the United
"States are credited with an exportation
"from Japan of $ 15,613,808. If, however,
"Mr. Hubbard will kindly look at this Return
"drawn up by the Yokohama Chamber of
"Commerce, he will see that out of a total ex-
"portation of tea alone from Yokohama and
"Hiogo to America in the season 1885-86,
"$ 2,761,890 were invoiced to Canada out of a
"total of $ 9,774,535 credited to the United
"States.

"I therefore claim for my countrymen a
"considerable portion of what is credited in the
"Returns to the United States from the fact
"only that the goods are shipped hence through
"San Francisco.

"The correctness of my figures will, I hope,
"soon be tested by the opening of direct steam
"communication between Japan and British
"Columbia."

Mr. Hubbard, in reply, made the following remarks:

"My Colleague who represents the Nether-
"lands, Norway and Sweden, and Denmark,
"and my Belgian and German Colleagues,
"each in turn, have made able speeches, care-
"fully written and prepared during the week
"which has elapsed since our last meeting, in
"reply to what I had the honor to say on that
"occasion. I cordially reciprocate the compli-
"mentary expressions they have been pleased

"flatteurs dont ils ont bien voulu faire usage à "l'égard de ce que j'ai dit alors; mais il me "faut, ici même, sans concert préalable avec "personne, sans comparaison de notes, procla- "mer de nouveau mon adhésion complète et "sans réserse aux idées que j'ai exprimées et "contre lesquelles ils s'élèvent avec un si parfait "ensemble.

"Le Délégué des Pays-Bas, en son nom "personnel, et au nom du second Délégué "d'Allemagne, conteste mon historique de "l'origine du contre-projet *ad valorem* de 1882, "ainsi que mes conclusions à l'endroit du "rapport de la Commission spéciale et de sa "conversion des droits *ad valorem* en droits "spécifiques. Il déclare, en effet, que la "Commission dont lui et le second Délégué "d'Allemagne ont fait partie n'est pas respon- "sable de ce rapport. Cette affirmation, na- "turellement, coupe court à toute discussion, "alors même que quatre années se soient "écoulées durant lesquelles on a été en droit de "supposer, comme je l'ai fait, qu'un rapport "émanant d'un comité choisi et nommé sous "l'autorité de l'honorable corps dont faisaient "partie mes collègues, avait jusqu'à un certain "point un caractère et des effets obligatoires. "Cette induction se trouvait encore fortifiée "dans mon esprit par la réflexion que le "comité n'avait guère pu faire ce rapport sans "consulter la Commission de Délégués qui "l'avait institué. En tenant compte aussi de "ce fait que la tâche du comité se bornait "uniquement à contrôler si les valeurs taxables "correspondaient avec des quotités *ad valorem* "données, tâche qu'il a d'ailleurs réussi à "remplir conformément aux valeurs du moment, "j'avoue qu'il était naturel que je fusse amené "à attribuer l'esprit, voire même la paternité "légitime de l'œuvre ainsi parfaitement accom- "plie aux honorés collègues que j'ai nommés "Et je confesse aussi que j'ai lieu d'être surpris "de l'empressement avec lequel ils viennent "maintenant, à la onzième heure, repousser "pour eux-mêmes toute responsabilité d'une "part quelconque de ce travail que je m'étais "imaginé, à tort, il paraît, qu'ils regardaient "non sans fierté.

"Mes collègues des Pays-Bas, de Belgique "et d'Allemagne sont unanimes à rejeter bien "loin ce qu'ils ont la bonté de qualifier l'impu- "tation injuste contenue dans ce que j'ai dit au "to use in regard to what I then said,—but "must here and now, without any concert with "others, or any comparison of notes, reassert "my unqualified adhesion to the argument "to which they have so unanimously taken "exception.

"The Delegate of the Netherlands, speaking "for himself and the Second Delegate of "Germany, objects to the historical statement "made by me with reference to the origin of "the *ad valorem* Counter Project of 1882, as "well as to my conclusions with reference to "the report of the "Special Committee," and "its conversion of *ad valorem* into specific "duties. He says, in effect, that the Commit- "tee, of which he and the Second Delegate of "Germany were members, were not responsible "for that report. This statement is of course "conclusive, even although four years have "elapsed during which there has been reason to "suppose, as I did, that a report made by a "Committee selected and appointed under "authority of the honorable Body of which my "Colleagues were members had some binding "force and effect. This inference derived add- "ed force in my mind from the reflection that "the Sub-Committee would hardly have made "this report without consulting the Committee "of Delegates to whom they owed their ap- "pointment. Taking into consideration, also, "the fact that the only labor which the Sub- "Committee had to perform was to ascertain "dutiable values to correspond with given *ad* "*valorem* rates,—a task which they succeeded "in performing in accordance with the values "of that day—I submit that it was most natural "that I should attribute the spirit, and even "the '*legitimate paternity*' of the work thus "admirably performed to the honored Collea- "gues whom I have named. And I submit, also, "that I have cause to be surprised at the alacri- "ty with which now, at the eleventh hour, "they repel any responsibility for a portion of "that work which I (mistakenly as it now "seems), had thought they regarded with pride.

"My Dutch and Belgian and German Collea- "gues are of one mind in repelling what they "are kindly pleased to characterize as the un- "just imputation conveyed in what I said con-

"sujet de la perte de revenus subie par le "Japon, pendant ces quatre dernières années, "par suite du fait que le projet de tarif de 1882 "n'a pas été rendu définitif.—J'ai avancé, à "cette occasion, que les circonstances qui avaient "empêché le Japon de réaliser l'augmentation "de revenus qui fût résultée pour lui de "l'application du tarif accepté en 1882, avaient "fait perdre au Trésor japonais sept ou huit "millions de dollars, et que 'les coffres bien "'remplis des Puissances signataires', c'est-à-dire "la richesse agglomérée de toutes ces Puissances, "avaient bénéficié d'autant.

"Sauf le respect que je dois à ceux de mes "collègues qui se sont formalisés de cette pro-"position, je ne vois point de motifs pour "changer ma manière de voir. La Conférence "de 1882 a consenti à ce que le Japon tirât des "droits d'importation une augmentation de "revenus, augmentation qui, si le contre-projet "eût été mis alors en opération, en serait cer-"tainement résultée. La Conférence actuelle a "confirmé le fait qu'on avait bien en vue de "favoriser cet accroissement de revenus, quand "elle a accepté formellement le contre-projet de "1882 qui porte le droit *ad valorem* actuel de "5 pour cent à de 10 à 20 pour cent. Mais "mes collègues disent que c'est le consommateur "qui paie les droits, et que le peuple japonais, "c'est-à-dire l'ensemble des consommateurs, a ga-"gné au lieu de perdre à la non-application du "tarif de 1882. Qui est le mieux à même de "se prononcer sur ce point, mes collègues ou le "Gouvernement du Japon? Si c'est le consom-"mateur qui paie les droits, pourquoi donc la "Hollande, la Belgique, l'Allemagne se sont-"elles opposées, par la voix de leurs Délégués "à cette Conférence, au projet de tarif que nous "a proposé le Japon, par l'intermédiaire du "Ministre des Affaires Etrangères, à l'ouverture "de cette Conférence? Si c'est le consommatur "japonais qui doit payer les droits sur les mar-"chandises importées au Japon par la Hollande, "la Belgique et l'Allemagne, il faut voir une "preuve bien frappante de philanthropie dans "l'intérêt si vif que prennent mes collègues au "bien-être des habitants de ces îles, au lieu d'en "laisser le soin à leur propre Gouvernement. "Je remarque également que cet intérêt porté "au peuple japonais se manifeste aussi d'assez "curieuse façon quand on prétend que le Japon "n'a rien perdu en ne réussissant pas à s'assurer

"cerning Japan's loss of revenue during the last "four years on account of the fact that the "Tariff Project of 1882 was not made a defini-"tive arrangement. I said on the occasion in "question that the failure to increase Japan's "sources of revenue by the adoption of the "tariff agreed to in 1882 had deprived the "Japanese Treasury of seven or eight million "dollars, and that the 'full exchequers of the "'Treaty Powers,' that is to say, the aggregate "wealth of the Treaty Powers, had profited to "that extent.

"With all deference to those of my Collea-"gues who have taken exception to this state-"ment, I see no reason to change the opinion "thus expressed. The Conference of 1882 "agreed to an increase of the revenue of Japan "from import duties, which, had the counter "project then gone into effect, would have cer-"tainly yielded that amount of increase. The "present Conference has confirmed the fact that "such an increase *was* intended by formally "accepting the counter project of 1882, which "increases the present *ad valorem* rate of duty "of 5 per cent, to rates ranging from 10 to 20 "per cent. But my Colleagues say that the "consumers pay the duty, and that the people "of Japan, that is to say the consumers, have "*gained* instead of lost by the failure to enforce "the tariff of 1882. Who is to judge of that, "my Colleagues or the Government of Japan? "If the consumers pay the taxes, why should "Holland, Belgium and Germany, by their "Delegates in this Conference, have objected "to the tariff project proposed by Japan "through the Minister for Foreign Affairs at "the opening of this Conference? If Japanese "consumers are to pay the duties on Dutch, "Belgian, and German imports to Japan, it "strikes me as a noteworthy exhibition of "philanthropy to take such a deep interest in "the welfare of the people of these Islands, in-"stead of leaving it to their own Government. "It occurs to me, also, that this interest in the "Japanese people is somewhat curiously mani-"fested in the claim now made, that Japan has "lost nothing by failing to secure that increase "of her tariff which she has so earnestly sought; "no less than in the argument that the people "of Japan have gained something by continuing "to be bound by the tariff which their Govern-

"cette surélévation de tarif qu'il a si ardem-
"ment réclamée, de même que quand on sou-
"tient que le peuple japonais a gagné quelque
"chose à continuer à se trouver lié par le tarif
"que son Gouvernement a si souvent et avec si
"peu de succès essayé de changer. Les Gou-
"vernements représentent les nations et parlent
"pour elles; au Japon, comme dans tous nos
"pays, quelle que soit la diversité des formes de
"l'administration, le Gouvernement, c'est la
"nation. Je crois que nous pouvons sans
"crainte, par conséquent, nous en fier au Gou-
"vernement japonais du soin de nous éclairer sur
"ce qui est ou ce qui n'est pas l'intérêt vrai du
"peuple japonais.

"En ce qui concerne les remarques qui ont
"eu le don d'exciter tant d'intérêt chez mes
"collègues, il me suffira de dire qu'elles m'ont
"été inspirées par la conviction que le tarif
"révisé soumis à cette Conférence par le Gou-
"vernement japonais constitue un projet juste,
"équitable, et plus modéré dans les droits qu'il
"impose que ne le sont les tarifs de la plupart
"de nos Gouvernements. J'étais prêt à l'accep-
"ter au nom des Etats-Unis et, sans prétendre
"juger pour les autres, je ne voyais pas de
"motifs pour que les Représentants des autres
"Puissances ne fissent pas de même. Mais,
"parce que les prix ont baissé depuis 1882, la
"Conférence a décidé de rouvrir la question et
"de substituer de nouvelles valeurs imposables
"à celles proposées par le Gouvernement japo-
"nais. Soit.—J'ai exprimé les vues de mon
"Gouvernement sur ce point, et il ne me reste
"qu'à déclarer que les Etats-Unis ne se soumet-
"tront à aucune distinction qui pourrait être
"établie au détriment de ses importations dans
"les quotités spécifiques que l'on va déterminer.
"En ce qui concerne cette partie des travaux de
"la Conférence, je considère comme mon devoir,
"et un devoir impérieux, en présence de ce qui
"s'est passé, de faire toutes mes réserves.

"Et maintenant, en dernier lieu, pour répon-
"dre à mon honoré collègue de la Grande-
"Bretagne, qu'il me permette de lui dire que,
"si j'ai commis une erreur à l'égard de l'Angle-
"terre, il doit l'attribuer au fait que les chiffres
"que j'ai cités et qu'il conteste, je les ai puisés
"à l'unique source d'informations que j'aie en
"ma possession, le Rapport sur le Commerce
"étranger du Japon pour l'année 1885, dont
"j'ai le texte sous les yeux. J'avais, il me

"ment has so often ineffectually tried to change.
"Governments represent and speak for their
"peoples; in Japan, as in all our countries,
"whatever their various forms of administra-
"tion, the Government *are* the people. I think
"we may safely leave it to the Japanese Gov-
"ernment, therefore, to enlighten us upon
"what are, or what are not the true interests of
"the Japanese people.

"So far as the remarks which have excited
"so much interest among my Colleagues are
"concerned, I need only say that they were
"occasioned by the belief that the Revised
"Tariff submitted to this Conference by the
"Japanese Government was a just and an
"equitable scheme, and one which imposed
"smaller duties than most of our Governments
"levy. I was willing to accept it on behalf of
"the United States, and, without pretending
"to decide for others, I saw no reason why the
"Representatives of other Powers should not
"do the same. But, because prices have fallen
"since 1882, the Conference has decided that
"the question shall be reopened, and that new
"dutiable values shall be substituted for those
"proposed by the Japanese Government. Be
"it so. I have expressed the views of my
"Government upon the subject, and it only
"remains for me to say that the United States
"will not submit to any discrimination against
"any of their imports in the specific rates of
"duty now to be determined. So far as the
"work of this Conference in that direction is
"concerned, I deem it my imperative duty, in
"view of what has occured, to make every res-
"ervation.

"And now, lastly, in reply to my esteemed
"British Colleague, let me say that if I did
"injustice to England, he must ascribe it to the
"fact that in citing the figures to which he
"objects, I quoted from the only source of in-
"formation in my possession, the Report of
"Japan's Foreign Trade for 1885, which I
"have before me. I think I was justified in
"supposing that the Japanese Government
"knew what imports they received from our

"semble, quelque motif de supposer que le "Gouvernement japonais savait quelles impor- "tations il recevait de chacun de nos deux "pays et quelles exportations il nous envoyait "respectivement. Sir Francis Plunkett dit, en "somme, que le rapport n'est pas exact et que "la Chine y figure indûment au lieu de l'Angle- "terre pour plusieurs millions de dollars de "sucre importés au Japon, tandis qu'une part "considérable des exportations mises à l'actif "des Etats-Unis se rend, en réalité, par la voie "de San-Francisco, au Canada. Il me faut "néanmoins persister dans l'avis que les chiffres "que j'ai cités sont exacts. On les trouvera "dans le Rapport auquel j'ai fait allusion, aux "pages 89 et 99. Ils montrent, en résumé, que "les exportations du Japon aux Etats-Unis "excèdent ses exportations en Grande-Bretagne "de 13.281.890 dollars; ils témoignent égale- "ment que les exportations et les importations des "Etats-Unis à destination et en provenance du "Japon, prises dans leur ensemble, excèdent de "3.512.653 celles de la Grande-Bretagne. C'est "un fait constant aussi,—et je le dis en connais- "sance de cause en présence des Représentants "des pays qui pratiquent le libre échange,— "que sur les 15 millions de dollars d'exporta- "tions japonaises que reçoivent annuellement les "Etats-Unis, plus de 14 millions sont admis en "franchise.

"Qu'une partie des exportations japonaises "marquées comme étant à destination des Etats- "Unis s'en aille au Canada, la chose est peut- "être vraie; mais je ne vois pas en quoi ce fait "peut diminuer la force de mon argument. Ce "trafic, pour ce qui est des statistiques officielles, "appartient aux Etats-Unis, aussi bien que "toute autre partie que nous en pouvons reven- "diquer. Mais cette question, après tout, n'est "que de peu d'importance. Les Etats-Unis et "l'Angleterre se disputent le commerce du "monde; mais c'est entre les deux nations une "compétition ouverte et loyale, non une envieuse "rivalité. Les procédés courtois dont je me "suis vu l'objet de la part du Délégué de la "Grande-Bretagne, en cette occasion comme "dans toutes les autres, montrent bien quelle "est la nature des relations qui existent entre "nos deux pays. Ces relations peuvent donner "lieu à des discussions, mais jamais à des "malentendus ni à des dissentiments sérieux.

"J'ai essayé de répondre dans un esprit

"respective countries, and what exports they "sent to us, respectively. Sir Francis Plunkett "says, in effect, that the report is not correct, "and that China, instead of Great Britain, re- "ceives credit for several million dollars worth "of sugar imported to Japan, while a large "amount of the exports of Japan credited to "the United States really proceed, by way of "San Francisco, to Canada. I must still adhere "to the opinion that the figures I quoted were "correct. They can be found in the Returns "to which I have alluded on pages 89 and 99. "They show, in brief that the exports of Japan "to the United States exceed her exports to "Great Britain by $ 13,281,890; and they show "also that the combined exports and imports of "United States from and to Japan exceed those "of Great Britain by $ 3,512,653. It is a fact "also,—and I speak advisedly in the presence "of the Representatives of the free trade coun- "tries,—that of the $ 15,000,000 worth of the "exports of Japan annually admitted to the "United States $ 14,000,000 worth are so ad- "mitted duty free.

"That a portion of the purported exports of "Japan to the United States may find their "way to Canada is possibly true, but I cannot "see that that fact lessens the force of my argu- "ment. This trade belongs as much to the "United States, so far as the official records go, "as any other portion to which we can lay "claim. But the question is not after all a "material one. The United States and Great "Britain are competitors for the world's trade, "but they are manly competitors and not en- "vious rivals. The considerate courtesy with "which I have been treated by the Delegate of "Great Britain on this, as on all other occasions, "is a fair illustration of the relations of our "respective countries. They may give rise to "discussion, but they can never result in serious "misunderstanding or disagreement.

"I have attempted to reply, in a spirit of

"d'amicale franchise à tout ce qui a été dit sur
"les observations qui ont amené cette discussion.
"J'ai, du moins, je l'espère, clairement établi
"que, si de ces débats il peut sortir quelque bien
"pour le pays qui y est le plus directement
"intéressé; si le Japon, par suite de ce qui
"pourra se passer au cours de cette Conférence,
"doit se trouver favorisé par des actes, et non
"trompé par d'illusoires promesses, loin de
"regretter aucun incident qui se sera produit,
"je considérerai que cette Conférence aura
"mérité non-seulement la reconnaissance du
"Japon, mais aussi et en même temps l'appro-
"bation de toutes les nations représentées ici."

Sir Francis Plunkett observe que ce qu'il avait voulu faire ressortir se réduit à ceci, que, dans toute évaluation du commerce d'importation de l'Angleterre au Japon, il faut faire entrer en ligne de compte les importations en provenance des Indes Orientales et de l'Australie, tandis que, pour les exportations, il faut prendre en considération le fait qu'une partie des marchandises exportées du Japon et qui figurent dans les statistiques de la Douane comme étant à destination d'Amérique, sont, en réalité, à destination du Canada.

Il est alors procédé à la signature du protocole N^{o} 4.

M. Sienkiewicz demande à poser une question au Président.

Le projet de convention qui a été communiqué, l'année dernière, aux Représentants étrangers, contenait un article par lequel le Gouvernement japonais se réservait le droit de diminuer ou de supprimer, en tout ou en partie, les taxes d'exportation du Japon jusqu'ici payées et perçues.

Cet article n'ajoutait rien, il est vrai, à un droit qui appartient au Gouvernement japonais d'une manière incontestable; il n'en empruntait pas moins une grande importance aux intentions qu'il laissait entrevoir. M. Sienkiewicz demande en conséquence à Son Excellence M. le Comte Inouyé si la non reproduction de l'article dont il s'agit dans le projet présentement soumis à la Conférence, implique une modification dans les intentions du Gouvernement japonais.

Le Président répond qu'il avait omis l'article en question parce qu'il ne lui semblait pas qu'il fût nécessaire d'affirmer sous la forme d'un article un droit qui appartient indiscutablement au Gouvernement japonais, c'est-à-dire le droit

"friendly sincerity, to what has been said con-
"cerning the remarks which caused this discus-
"sion. I trust that I have at least made it
"clear that if out of this proceeding any good
"shall come to the Empire most nearly interest-
"ed; that if Japan, on account of anything
"which happens at this Conference, shall be
"benefited by acts, and not deluded by empty
"promises, I shall regret no incident that has
"occurred, but shall consider that this Confer-
"ence deserves not alone the thanks of Japan,
"but the approval as well of all the Nations
"here represented."

Sir Francis Plunkett remarked that all that he had desired to point out was that in any estimate made of the amount of the British import trade with Japan importations from the East Indies and Australia must be included, while with regard to exports the fact must be taken into consideration that a certain portion of the goods exported from Japan, which were entered in the Custom House statistics under the head of American trade, were in reality consigned to Canada.

Protocol No. 4 was then signed.

Mr Sienkiewicz desired to ask a question of the President.

The Draft Convention which was communicated to the Foreign Representatives last year contained an Article by which the Japanese Government reserved to itself the right of reducing or abolishing the whole, or any part of the duties hitherto levied on exports from Japan.

This Article, it was true, added in no way to a right which incontestably belonged to the Japanese Government, but, at the same time, it possessed great importance by reason of the intentions which it indicated. Mr Sienkiewicz therefore begged to ask Count Inouye if the non-reproduction of the Article in question in the Draft now submitted to the Conference implied any modification of the intentions of the Japanese Government.

The President, in reply, said that he had omitted the Article referred to, because it seemed to him that there was no necessity to assert in this form a right which indisputably belonged to the Imperial Government; the right, namely,

de supprimer ou de réduire, en tout ou en partie, les droits d'exportation si l'intérêt du Japon le commande. Le Président saisit cette occasion de déclarer que le Gouvernement Impérial a décidé de supprimer les droits d'exportation sur les soies et sur le cuivre dès que le nouveau tarif d'importation, tel qu'il est proposé, entrera en vigueur.

M. Sienkiewicz remercie le Président de sa déclaration et il en prend acte.

M. de Speyer demande à appeler l'attention de la Conférence sur le point suivant.

L'article I du projet de Convention révisée ne faisant aucune mention du tarif d'exportation, il prend la liberté de proposer la rédaction suivante pour le premier alinéa de cet article:

"Il est convenu entre les Hautes Parties "Contractantes qu'à partir du .....prochain, "aux lieu et place des droits levés et perçus "jusqu'ici par le Japon à l'entrée et à la sortie "des marchandises, les droits spécifiés dans les "tarifs ci-annexés pourront être levés par le "Gouvernement japonais sur tous les produits "et objets manufacturés importés ou exportés "du Japon."

La mention du tarif d'exportation dans le corps de ce premier article et l'annexion de ce tarif à la Convention à conclure paraissent désirables pour deux raisons au Délégué de Russie: 1° parce que, n'ayant pas été abrogé, ce tarif reste naturellement en vigueur, et 2° parce que, depuis son origine, il a subi des changements notables qui n'ont jamais, à ce qu'il sache, été publiés dans leur ensemble.

M. de Speyer croit d'ailleurs inutile d'ajouter que l'amendement qu'il a l'honneur de proposer laisse au Gouvernement japonais toute liberté de réduire ultérieurement les droits d'exportation existants si telle était son intention.

Sir Francis Plunkettt déclare approuver entièrement l'observation du Délégué de Russie, et il pense aussi qu'il est désirable qu'il soit fait quelque mention du tarif d'exportation. Il n'a aucune objection à ce que les droits d'exportation soient réduits; mais, à son avis, des garanties sont nécessaires contre l'augmentation des droits actuels et contre l'établissement de nouveaux. Tel est, s'il a bien compris sa pensée, l'objet de l'amendement proposé par M. de Speyer.

to abolish, or reduce the whole or any part of the export duties, in case Japanese interests should require it. He availed himself of this opportunity to announce that the Imperial Government had decided to abolish the export duties on silk and on copper as soon as the new import tariff, as proposed, came into force.

Mr. Sienkiewicz thanked the President for this declaration, and took note of it.

Mr. de Speyer desired to call the attention of the Conference to the following point.

Article I of the Revised Draft Convention made no mention of the export tariff. He, therefore, begged to propose that the first paragraph of this Article should read as follows:—

"It is agreed by the High Contracting Par- "ties that from ..... next, in lieu of the duties "hitherto levied and collected on goods when "imported and exported, the duties specified in "the tariffs hereunto annexed may be levied "by the Government of Japan on all products "and manufactured goods imported to, or ex- "ported from Japan."

The mention of the export tariff in the Article referred to, and the addition of that tariff as an annex to the Convention to be concluded, appeared to the Delegate of Russia desirable for two reasons:—first, because this tariff, not having been cancelled, naturally remained in force; and, secondly, because since its original establishment it had undergone important changes, and apparently, had never been published in a complete form.

It was needless, he thought, for him to add that the amendment which he had the honor to propose left to the Japanese Government full liberty to make any subsequent reduction in existing export duties, if such was their intention.

Sir Francis Plunkett said that he agreed entirely with the remarks of the Delegate of Russia. Some mention of the export tariff was, he thought, desirable. He had no objection to the export duties being reduced, but some guarantee that they should not be increased, nor new export duties imposed was, in his opinion, necessary. This he understood was the intention of the amendment proposed by Mr. de Speyer.

M. de Speyer croit que l'inconvénient que fait entrevoir le Délégué de la Grande-Bretagne serait également conjuré par la mention du tarif d'exportation dans le corps même du traité à conclure.

M. Hubbard fait observer que l'amendement du Délégué de Russie constituant, en réalité, une proposition nouvelle d'un caractère important, la discussion doit en être remise à la prochaine séance.

Le Président déclare que les idées exprimées par le Délégué de Russie sont en parfait accord avec les intentions du Gouvernement japonais, mais qu'il ne voit pas la nécessité d'insérer l'amendement en question dans un article de la Convention: il suffira, à son avis, qu'il figure au protocole de la présente séance.

M. Neyt dit qu'étant en principe ennemi des droits d'exportation, il a entendu avec le plus vif plaisir la déclaration du Président relative à la suppression des droits sur la soie et le cuivre. Mais le Délégué de Belgique voudrait savoir pourquoi le Gouvernement japonais donne la préférence à la soie sur d'autres articles d'exportation qui ont déjà des marchés en Europe et aux Etats-Unis et qui en auraient de bien plus considérables si les droits qui les grèvent à la sortie étaient abolis. L'une des principales difficultés du commerce avec le Japon réside dans l'élévation du prix du fret, et cette difficulté est encore aggravée par le peu d'importance ou l'absence complète de chargement de retour pour les navires qui reviennent du Japon. La suppression des droits d'exportation aurait pour effet de remédier dans une certaine mesure à ce désavantage. Le camphre et le thé, par exemple, constituent des articles importants, et l'orateur ne voit pas pourquoi ils seraient placés dans une situation moins avantageuse que la soie. Dans l'intérêt du développement des échanges entre le Japon et certains pays étrangers, et surtout dans l'intérêt du consommateur, cette distinction lui semble fâcheuse. Il demande par conséquent au Président de vouloir bien donner des explications sur ce point.

M. Sienkiewicz croit que le Délégué de Belgique commet une erreur quand il affirme que la suppression des droits de sortie sur les soies profitera au consommateur. Il est bien établi, en effet, qu'en ce qui concerne cet article,

Mr. de Speyer thought that the inconvenience foreseen by the Delegate of Great Britain would equally be removed by the mention of the export tariff in the body of the treaty to be concluded.

Mr. Hubbard said that as the amendment offered by the Delegate of Russia was, in effect, a new proposition of an important character, it should be reserved for discussion at the next meeting of the Conference.

The President stated that the views expressed by the Delegate of Russia were in entire accord with the intentions of the Japanese Government, but that he did not think it was necessary that the amendment in question should appear in an Article in the Convention; its insertion in the Protocol of the present meeting would, in his opinion, meet every purpose.

Mr. Neyt observed that being on principle inimical to export duties he had heard with pleasure the declaration of the President with reference to the abolition of the export duties on silk and copper. He wished, however, to know why the Japanese Government gave preference to silk over other articles of exportation for which markets of consumption already existed in Europe and the United States, and the export of which would be much larger if the duties levied on them were abolished. One of the principal difficulties of trade with Japan lay in the dearness of freights, and this difficulty was aggravated by the fact that vessels arriving in Japan could obtain little or no return cargo. The abolition of export duties would, to some extent, remedy this inconvenience. Camphor and tea, for instance, were important commodities, and he did not see why they should be placed at a disadvantage with silk. In the interest of the development of commercial intercourse between Japan and certain foreign countries, and especially in that of consumers, he thought that this discrimination was undesirable, and he therefore begged that the President would kindly give him explanations on this point.

Mr. Sienkiewicz was of opinion that the Delegate of Belgium made a mistake when he affirmed that the abolition of the export duty upon silk would principally benefit the consumer. It was a well known fact that in the case

ce sont les marchés d'Europe qui règlent les cours. Et, dès lors, tout le bénéfice qui résultera de la suppression des droits de sortie sera pour le producteur. Le seul avantage de cette mesure pour les pays importateurs, c'est qu'elle aura pour effet de favoriser et de développer la production de la soie au Japon.

Le Président, en réponse à M. Neyt, dit que le Gouvernement japonais se réserve le droit d'en agir avec les droits d'exportation comme le commandera l'intérêt du Japon. En ce qui touche les deux articles mentionnés par lui, la soie et le cuivre, la suppression des droits d'exportation profitera au producteur, et par suite au pays lui-même, tandis que, d'autre part, cette suppression ne sera à l'avantage exclusif d'aucun pays importateur en particulier. Jusqu'à ce que le Gouvernement japonais ait pris une décision à l'égard des autres articles d'exportation, il n'est pas en mesure de désigner à l'avance ceux qui seront l'objet d'un dégrèvement analogue; mais il tient à ce qu'il soit bien entendu que son Gouvernement se réserve d'une manière générale le droit de suppression à l'égard de tous.

M. Hubbard partage l'opinion exprimée par le Délégué de France que la suppression des droits d'exportation profite au producteur et ne favorise pas le pays importateur.

M. Neyt remarque qu'il importe peu, en fin de compte, que ce soit le consommateur ou le producteur qui supporte les droits d'exportation; la seule existence de ces droits constitue une entrave aux relations internationales.

M. de Martino constate que personne ne songe à contester au Gouvernement japonais le droit de supprimer les droits d'exportation s'il le juge propos.

M. Neyt dit qu'il est bien loin de contester ce droit; il s'étonne seulement que le Gouvernement japonais l'exerce uniquement en faveur de la soie et du cuivre.

Le Président propose que, conformément à la règle adoptée à la première séance de la Conférence, la discussion de l'amendement de M. de Speyer relatif au tarif d'exportation soit renvoyée à la prochaine séance, comme l'avait déjà proposé le Délégué des Etats-Unis.

Cette proposition est adoptée.

of this article prices were regulated by the markets of Europe, and therefore the producer would reap all the benefit resulting from the abolition of the export duty. The only advantage to be gained by the countries of importation by the abolition of the duties was that it would have the effect of favoring and developing the production of silk in Japan.

In reply to Mr. Neyt, the President stated that the Japanese Government reserved to themselves the right to deal with export duties as the interests of the country demanded. In the case of the two articles he had named, silk and copper, the abolition of the export duties would have the effect of benefiting the producer and therefore the country, while on the other hand, it would not operate specially in favor of any particular importing country. Until the Japanese Government had come to a decision with regard to other articles of export, he was not in a position to specify them, but he wished it to be clearly understood that his Government still reserved the general right of abolition with regard to all.

Mr. Hubbard concurred in the view of the Delegate of France, that the abolition of export duties benefited the producer, and did not operate in favor of the country of importation.

Mr. Neyt remarked that it mattered little in the end whether export duties were paid by the consumer or producer; the mere existence of these duties alone tended to hamper international relations.

Mr. de Martino was of opinion that no one would contest the right of the Japanese Government to abolish export duties if they thought fit.

Mr. Neyt stated that he was far from contesting this right; he was only surprised that the Japanese Government should exercise it in the case of silk and copper alone.

The President proposed that in accordance with the rule adopted at the first meeting of the Conference, the amendment of Mr. de Speyer with reference to the export tariff should, as had already been proposed by the Delegate of the United States, be deferred for discussion to the next meeting.

This proposition was agreed to.

Le Président propose ensuite que les Règlements commerciaux, les Règlements de Magasins publics et ceux d'Entrepôts en débet, soient renvoyés à la Commission nommée pour l'examen du tarif.

M. Sienkiewicz approuve la proposition du Président; mais il considère qu'il faudrait aller plus loin encore et communiquer tous les documents à la Commission, qui pourra soumettre au comité consultatif tels des points spéciaux sur lesquels l'avis des négociants paraîtra nécessaire. Les membres de la Conférence n'ont pas, pour la plupart, la compétence indispensable pour discuter toutes les questions techniques traitées dans les documents annexés au projet de Convention, et la Commission sera mieux en état de les étudier d'une manière profitable. Il doit être bien entendu néanmoins que chaque membre de la Conférence aura le droit d'assister aux séances de la Commission avec voix délibérative.

M. de Martino ne croit pas qu'il soit utile ou opportun de fixer un système que la Commission du tarif devrait suivre pour prendre l'avis des négociants. La Commission a bien voulu accepter de consulter des négociants de toutes les nationalités, et cela doit suffire à la Conférence qui a placé sa confiance dans les membres qu'elle a choisis pour faire partie de la susdite Commission. Le Délégué d'Italie, du reste, ne croit pas que la Conférence ait voulu imposer à la Commission un comité de négociants. Que la Commission interroge les négociants de la manière qui lui paraîtra la meilleure pour s'éclairer, soit en leur adressant par écrit un questionnaire, soit en les invitant séparément en sa présence.

M. Hubbard dit qu'il ne voit pas la nécessité pour la Commission du tarif de communiquer aux négociants les Règlements commerciaux ni les Règlements d'Entrepôts. Ces derniers Règlements, en particulier, impliquent l'existence de contrats et rentrent dans la catégorie des lois, et, dans ces conditions, il ne distingue pas l'avantage qu'il pourrait y avoir à consulter sur ce sujet des négociants.

Sir Francis Plunkett dit que lui et ses collègues de la Commisson du tarif s'estiment flattés de la confiance dont témoigne à leur égard la proposition faite par le Délégué de France que tous les documents commerciaux

The President then proposed that the Trade Regulations, the Public Warehouse Regulations, and the Bonded Warehouse Regulations should be referred to the Committee which had been already appointed to consider the Tariff.

Mr. Sienkiewicz approved of the proposition of the President, but he considered that they ought to go further, and hand over all the documents to the Commission, which might submit to the Consulting Committee any special points in regard to which it might be desirable to obtain the opinion of the merchants. Most of the members of the Conference were not sufficiently competent to discuss all the technical questions dealt with in the papers annexed to the Draft Convention, and the Commission would be better able to study them in a profitable manner. It ought to be understood, nevertheless, that each member of the Conference should have the right of taking part in the sittings of the Commissian with a deliberative voice.

Mr. de Martino did not think that it would be either useful or opportune to lay down a plan for the Committee to follow in obtaining the opinions of merchants. The Committee had kindly consented to consult merchants of all nationalities, and this ought to be sufficient for the Conference, which had placed its confidence in the members whom it had chosen to form part of the Committee. Besides, the Delegate of Italy did not think that the Conference wished to impose on the Committee a sub-Committee of merchants. Let the Committee make enquiries of the merchants in the manner which it might consider best for obtaining information, either by putting a series of questions to them in writing, or by inviting their separate attendance.

Mr. Hubbard stated, that he did not consider it necessary for the Tariff Committee to communicate the Trade or the Warehouse Regulations to the merchants. The Bonded Warehouse Regulations, in particular, involved the question of contract and were in the nature of law, and he did not see what advantage was to be gained by consulting merchants in regard to them.

Sir Francis Plunkett said that he and his Colleagues on the Tariff Committee were much flattered by the confidence shown by the proposition of the Delegate of France, that all the commericial documents attached to the Draft

annexés au projet de Convention leur soient renvoyés. Pour lui, cependant,—et il croit se faire, en parlant ainsi, l'interprète des sentiments de ses collègues,—il juge que la tâche qui leur a été primitivement confiée est déjà suffisante et que si, au tarif qu'ils sont déjà chargés d'étudier, on ajoute les Règlements commerciaux et les Règlements d'Entrepôts, ils se trouveront débordés. Il ne peut donc, avant d'en avoir conféré avec ses collègues, accepter la nouvelle tâche que l'on propose de leur confier.

Avant d'avoir entendu les idées exprimées par le Délégué des Etats-Unis, il se proposait, en sa qualité de Président de la Commission du tarif, de demander à la Conférence la permission de communiquer à la Chambre de Commerce le projet de tarif *ad valorem* de 1882, et de le publier, si la Commission le désirait. Il serait prématuré de communiquer actuellement les autres documents. Le plus simple serait que la Commission reçût de la Conférence, d'une manière générale, l'autorisation de communiquer les documents,—autorisation dont elle userait quand elle le jugerait nécessaire. Le motif qui conduit le Délégué de la Grande-Bretagne à faire cette proposition, est qu'il faudra nécessairement consulter un grand nombre de négociants qui se trouveront ainsi initiés à des questions confidentielles. Il est donc à désirer, tant dans l'intérêt de l'ensemble des négociants, que dans le but de couper court à des spéculations peu légitimes, que tous les négociants se trouvent placés sur le même pied en ce qui concerne les informations confidentielles divulguées par la Commission.

M. de Martino demande à Sir Francis Plunkett, comme Président de la Commission du tarif, s'il ne verrait aucun moyen d'éviter qu'on communiquât le tarif *ad valorem* aux négociants qui seront interrogés. Ce tarif est d'un nature tout aussi confidentielle que tous les autres documents qui ont été soumis à la Conférence par le Gouvernement japonais. Le Délégué d'Italie se demande si des inconvénients assez sérieux ne pourraient dériver du fait que le nouveau tarif serait connu par la classe commerçante longtemps avant qu'il ne puisse être mis en vigueur. Quant à croire qu'on pourrait en limiter la publicité après qu'un certain nombre de négociants en auraient connaissance, il ne faut guère l'espérer. Le pourrait-on, ne serait-ce pas manquer d'équité envers

Convention should be referred to them. For his part, however, and he believed he might also speak for his Colleagues, he thought the work already intrusted to them was sufficient, and if to the tariff, which was already under their consideration, the Trade and the Warehouse Regulations were to be added, their hands would be quite full; he could not, therefore, without further consultation with his Colleagues, accept the additional task which had been suggested.

Before hearing the views expressed by the Delegate of the United States, he, as Chairman of the Tariff Committee, had proposed asking the Conference for permission to communicate to the Chamber of Commerce the draft of the *ad valorem* tariff of 1882, and to allow them to publish it if they desired to do so. It would be premature to communicate the other documents at present, but it would be convenient that the Tariff Committee should receive from the Conference a general permission to communicate papers, to be used when it was considered necessary. His reason for making this proposal was that many merchants must necessarily be consulted, and would, consequently, be in receipt of information on confidential subjects; it was therefore desirable in the interests of the mercantile community in general, and also with a view to checking any undue speculation, that all merchants alike should be on the same footing in regard to the confidential information imparted by the Committee.

Mr. de Martino asked Sir Francis Plunkett as Chairman of the Tariff Committee, if he saw no means of avoiding the communication of the *ad valorem* tariff to the merchants who would be consulted. This tariff was of just as confidential a nature as all the other documents submitted to the Conference by the Japanese Government. It appeared to the Delegate of Italy questionable whether serious inconveniences might not arise from the fact that the new tariff would become known to the mercantile class long before it could be put into operation; as to the idea that its publicity could be limited after a certain number of merchants had been made aware of it, it was impossible to entertain this hope. Even if it were possible so to limit its publicity, would it not be unjust towards

ceux qui, n'en ayant pas connaissance, ne pourraient en profiter, de même que les privilégiés, pour des opérations ou des spéculations commerciales? M. de Martino ajoute que les observations qu'il vient d'adresser à la Conférence n'ont pour but que de mieux connaitre les intentions à cet égard de la Commission et d'éviter tout malentendu avec le Gouvernement du Japon qui a considéré jusqu'ici tous les documents dont s'occupe et s'occupera la Conférence comme étant "strictement confidentiels," c'est-à-dire à l'abri de la publicité.

M. Sienkiewicz revenant à la proposition qu'il a faite de confier à la Commission du tarif tous les documents concernant le commerce, constate qu'il existe entre tous ces documents des rapports, des liens qui ne permettent pas de les séparer. Nommerait-on une Commission nouvelle pour l'examen de certains règlements, que les membres de la Commission du tarif ne manqueraient pas d'assister aux séances de cette nouvelle Commission, de prendre part à ses délibérations. Il est donc, à tous les points de vue, préférable de n'avoir qu'une Commission.

Sir Francis Plunkett répond que la Commission se chargerait volontiers de la tâche qui lui serait assignée par la Conférence, dans la limite précédemment indiquée par lui. Les travaux que lui et ses collègues sont en mesure d'entreprendre dès à présent comprennent le Tarif, les Règlements commerciaux et les Règlements de Magasins publics et d'Entrepôts. Son honorable collègue le Délégué de France a émis l'avis qu'un comité de négociants fût désigné pour être consulté. Il ne pense pas, toutefois, que cette mesure soit nécessaire. Le nombre des négociants à consulter est déjà si grand que s'il fallait en former un comité représentatif, ce comité aurait des proportions trop considérables pour qu'on pût y recourir commodément. Le système que la Commission se propose d'adopter consisterait à envoyer aux divers négociants une circulaire contenant un questionnaire et à consulter verbalement, sur les points de détail, tels d'entre eux que la Commission jugerait nécessaire d'interroger.

M. Sienkiewicz fait observer qu'un comité consultatif de négociants avait pourtant été

those who not having the same knowledge of this Draft Tariff could not profit by it in the same way as those specially privileged, to conduct commercial operations or speculations? Mr. de Martino added that in making these observations to the Conference he had no other object than to gain a better understanding of the intentions of the Committee with regard to these points, and to avoid the occurrence of any misunderstanding with the Japanese Government, who had regarded up till now all the documents which were then actually engaging, and would hereafter engage, the attention of the Conference as "strictly confidential," that is to say, as not intended for publication.

Mr. Sienkiewicz, coming back to the proposition made by him to entrust to the Tariff Committee all the documents concerning commercial matters, pointed out that all these documents were connected together in such a manner as to render their separation impossible. If a new Committee were appointed for the examination of certain regulations the members of the Tariff Committee would certainly attend the sittings of this new Committee and take part in its deliberations. In view of these considerations, therefore, it was preferable that there should be only one Committee.

Sir Francis Plunkett replied that the Committee would gladly accept the task assigned to them by the Conference, with the limitation which he had previously mentioned. The work which he and his Colleagues were willing to undertake at once comprised the Tariff, the Trade Regulations and the Public and Bonded Warehouse Regulations. It had been suggested by his Honorable Colleague, the Delegate of France, that a Sub-Committee of merchants should be appointed for the purpose of consultation. He did not, however, think that it would be necessary to do this. The number of merchants to be consulted was already so large that any representative Sub-Committee chosen would be unwieldy. The plan which the Committee proposed to adopt would be to send round a circular note, containing a series of questions to be answered, and to consult verbally on points of detail such merchants as the Committee might think it necessary to interrogate.

Mr. Sienkiewicz observed that a Consulting Committee of merchants had nevertheless been

constitué en 1882 et que ce comité avait pu fonctionner d'une manière satisfaisante, puisqu'il avait produit un document important. Il y aurait, d'ailleurs, un moyen fort simple d'obvier à la difficulté résultant du trop grand nombre de membres dans le comité. Ceux-ci pourraient se concerter, discuter entre eux les questions qui leur seraient soumises par la Commission, et lorsqu'ils seraient arrivés à une conclusion, les négociants de chaque nationalité désigneraient l'un d'entre eux qui aurait mission de se mettre en rapport avec la Commission et de lui transmettre les vues du groupe qu'il représenterait.

M. de Martino pense que le système énoncé par le Délégué de la Grande-Bretagne pour consulter les négociants est le meilleur que puisse employer la commission. Mais, tout en étant d'avis, ainsi qu'il l'a déjà soutenu, que la Commission doit être laissée maîtresse d'adopter tel procédé qu'il lui conviendra pour se procurer les renseignements désirés, il ne peut modifier son opinion quant à l'opportunité que le tarif ne soit pas livré à la publicité.

Le Président déclare être d'accord avec M. de Martino pour reconnaître l'inopportunité qu'il y aurait à divulguer le tarif. Il verrait les plus grands inconvénients, à cause des discussions qui ne manqueraient pas de se produire, à ce que la presse s'emparât du tarif. Il lui semble, d'ailleurs, que la Commission aurait le moyen de se procurer les informations qu'elle désire sans divulguer des questions qui, pour le moment, doivent demeurer strictement confidentielles.

M. von Holleben juge que l'on doit s'en rapporter à la Commission du soin de déterminer les moyens qu'elle emploiera pour obtenir des éclaircissements sur la question du tarif.

Le Président dit qu'il n'a pas d'objection à ce que l'on consulte des négociants, mais il est opposé à la divulgation du tarif.

M. Neyt pense qu'il ne peut résulter aucun inconvénient de la publicité donnée au tarif, à condition que cette publicité soit complète; mais que si l'on communique seulement ce document à vingt négociants, par exemple, ceux-ci pourront en profiter pour se livrer à des spéculations et pour abuser de leur avantage. Il est d'avis que si un nombre limité de négociants sont mis dans le secret du tarif, il faut que tous ceux qui y auront intérêt, sans

appointed in 1882, and that this Committee had worked in a satisfactory manner, for it had produced an important document. There was, however, a very simple method of overcoming the difficulty occasioned by too large a number of merchants. These merchants might consult together, and discuss the questions submitted to them by the Committee, and when they had come to a decision, the merchants of each nationality could nominate one of their number who would be empowered to enter into direct relations with the Committee, and transmit to them the views of the group which he represented.

Mr. de Martino thought that the plan for consulting the merchants stated by the Delegate of Great Britain was that best suited for adoption by the Committee; but although he was of opinion, as he had already said, that the Committee should be left free to take whatever course they considered best for obtaining the information desired, he could not change his opinion with regard to the undesirability of publishing the tariff.

The President said that he agreed with Mr. de Martino in thinking it inadvisable to give publicity to the tariff. It was highly undesirable, he thought, in view of the discussion which would undoubtedly be provoked, that any mention of the tariff should appear in the Press. It was possible for the Tariff Committee, in his opinion, to obtain the information which they desired, without divulging matters which, for the present, ought to be considered strictly confidential.

Mr. von Holleben thought that it should be left to the Committee to decide what course they should pursue in obtaining information on tariff matters.

The President said he had no objection to merchants being consulted, but he was averse to the publication of the tariff.

Mr. Neyt thought no inconvenience could arise from the publication of the tariff, provided such publication was full and complete; but that if information were given only to twenty merchants, for example, the information thus given might lead to speculation, and might easily be abused. He was of opinion that if a limited number of merchants were to be let into the secret of the tariff, all merchants who were interested therein should, without exception, be

exception, y soient mis également.

Sir Francis Plunkett regrette de ne pouvoir partager la manière de voir du Président en ce qui concerne la divulgation du projet de tarif. Ce projet de tarif *ad valorem* a été accepté par la Conférence sous l'entente que le Gouvernement japonais ferait en échange certaines concessions. Accepté ainsi sous condition, ce projet se trouve définitivement arrêté et ne peut plus être changé. Dès lors, il ne saisit pas comment le fait que ce projet se trouve être encore en discussion peut empêcher qu'il soit rendu public.—Le Délégué de la Grande-Bretagne insiste particulièrement sur ce point qu'il serait impossible de consulter trente négociants, par exemple, sur le projet de tarif, sans que la chose s'ébruitât, et il considère, que, pour maintenir la balance égale entre tous, tous les négociants sans exception doivent être mis en mesure de connaître les détails qui pourront être communiqués par la Commission du tarif à ceux d'entre eux, en petit nombre, qui seront consultés. Il ne voit pas clairement quel mal pourrait résulter de la publication du tarif *ad valorem* adopté par la Conférence.

M. Zappe dit que le Délégué de la Grande-Bretagne a été au-devant des remarques qu'il se préparait à faire lui-même sur ce sujet; et il se borne, par suite, à déclarer qu'il partage entièrement les idées exprimées par Sir Francis Plunkett.

M. Hubbard ne pense pas qu'il soit nécessaire de livrer le projet de tarif *ad valorem* à la publicité, puisque ce projet ne constitue, en somme, qu'une base. La Commission, à son avis, a la possibilité de se procurer toutes les informations nécessaires relatives à la conversion des droits *ad valorem* en droits spécifiques, sans aller jusqu'à divulguer les détails du tarif lui-même.

Le Président dit qu'il est d'accord avec M. Hubbard pour croire que la Commission peut obtenir toutes les informations dont elle a besoin sans rendre public le tarif. Un des principaux inconvénients qu'il voit à cette divulgation, c'est le long intervalle qui s'écoulera avant que le tarif n'entre en vigueur; mais le plus sérieux réside dans les discussions qui ne manqueraient pas de se produire dans la presse à la suite de cette divulgation, et que le Comte Inouyé a d'importantes raisons de vouloir éviter. A son avis, le délai de six mois qui sera laissé

placed on the same footing.

Sir Francis Plunkett said that he was unable to agree with the President on the question of the publication of the Draft Tariff. This Draft *Ad Valorem* Tariff had been accepted by the Conference on the understanding that certain reciprocal concessions were to be made by the Japanese Government. As thus conditionally accepted it was fixed, and could not be altered. This being so, he saw no reason to object to its publication because it happened to be still under consideration. He desired to lay stress on the point that 30 merchants, for example, could not be consulted on the Draft Tariff without the fact becoming known to the public,—and he thought that, in fairness to the mercantile community in general, all merchants should equally be placed in a position to learn the details which might be communicated by the Tariff Committee to the few who were consulted. He could not see what harm would arise from the publication of the Draft *Ad Valorem* Tariff agreed to by the Conference.

Mr. Zappe observed that the Delegate for Great Britain had anticipated the remarks he was about to offer on this subject, and that he need therefore only associate himself with the opinion expressed by Sir Francis Plunkett.

Mr. Hubbard said that he did not think it was necessary to publish the Draft *Ad Valorem* Tariff, as it was only after all a basis. The Committee, he thought, could obtain all requisite information with reference to the conversion of *ad valorem* into specific rates, without going so far as to divalge the details of the tariff.

The President stated that he agreed with Mr. Hubbard that it would be possible for the Committee to obtain all the information they desired without publishing the tariff. One objection to its publication was the long period which would elapse before it came into operation, but the most serious objection was the discussion in the Press which such publication was certain to create, and which he was, for important reasons, anxious to avoid. He thought that the six month's notice which it was intended to give would be quite sufficient.

après la notification sera bien suffisant.

Sir Francis Plunkett propose que la question soit réservée jusqu'à la prochaine séance.

Cette proposition est appuyée par le Délégué d'Italie et acceptée à l'unanimité.

Le Président constate que la Conférence a décidé, d'une part, de renvoyer à la Commission du Tarif les Règlements commerciaux et les Règlements de Magasins publics et d'Entrepôts; et, d'autre part, de réserver pour une discussion ultérieure la question de savoir si les autres documents annexés au projet de Convention et ayant trait à des matières commerciales, seront également renvoyés à la même Commission.

Le Président rappelle ensuite que le sujet qui se présente en second lieu dans l'ordre de discussion est l'Article I du projet de Convention révisée.

Sir Francis Plunkett demande à appeler l'attention sur le dernier paragraphe de l'Article I, où il est dit que "le Gouvernement japonais "se réserve le droit de prohiber ou de restreindre "l'importation de tous objets qui pourraient, par "suite de maladies épidémiques régnant à l'é- "tranger, être dangereuses pour la vie, la santé "ou la propriété des personnes résidant au "Japon, ou qui seraient de nature à mettre en "danger ou à troubler la paix ou la sécurité de "l'Empire".

Le Délégué de la Grande-Bretagne, tout en ne contestant pas le droit que possède le Gouvernement japonais de prendre telles mesures qui lui sembleront nécessaires pour prévenir les épidémies et les troubles intérieurs, trouve que les termes employés dans la rédaction sont trop généraux. Il reconnait qu'il est parfaitement juste que des prohibitions convenables soient appliquées à l'importation d'objets tels que les armes et la dynamite; mais il considère que la présente rédaction de l'article pourrait donner lieu à des malentendus en ce qui touche les marchandises dont les Parties Contractantes n'ont pas en vue l'exclusion. Il soumet, en conséquence, à l'appréciation de la Conférence l'avis que la rédaction soit modifiée.

M. Sienkiewicz fait observer que l'article en question contient deux sujets bien distincts. Il comprend à la fois, en effet, des mesures de sécurité publique et des mesures d'hygiène publique. En ce qui concerne les premières, une clause des traités existants leur a été con-

Sir Francis Plunkett proposed that the question should remain over until the next meeting.

This proposal was supported by the Delegate of Italy, and was adopted unanimously.

The President stated that he understood that it had been agreed by the Conference that the Trade Regulations and the Bonded, and Public Warehouse Regulations should be entrusted to the Tariff Committee, while the question of the reference to the same Committee of the other annexes to the Convention relating to commercial matters should be reserved for future consideration.

The President then called attention to the fact that the subject next in order for discussion was Article I of the Draft Revised Convention.

Sir Francis Plunkett desired to call attention to the last paragraph of Article I, in which it was stated that the Japanese Government reserved to themselves "the right to prohibit or "restrict the importation of any Article which "might, on account of the prevalence of epide- "mic deseases abroad, endanger the lives, "health, or property of persons in Japan, or "which might tend to endanger or disturb the "peace or tranquility of the Realm."

The Delegate of Great Britain, while not contesting the right of Japan to take any measures she might consider necessary in regard to the prevention of epidemics or of internal troubles, was of opinion that the wording in question was too general. It was, of course, only right that suitable prohibitions should be imposed upon the importation of such things as arms and dynamite, but he thought that, as the Article stood, some misapprehension might arise in regard to goods the exclusion of which was not contemplated by the Contracting Parties. He would suggest, therefore, for the consideration of the Conference that the wording should be altered.

Mr. Sienkiewicz was of opinion that this Article embodied two subjects which were quite distinct. It comprised in fact, at the same time, measures of public security and sanitary measures. As far as regarded the first, a special clause had been set apart for them in the exis-

sacrée. Quant aux mesures d'hygiène publique, il est bien difficile de préciser dans une Convention celles que les circonstances rendront nécessaires. On devrait se borner à poser le principe, d'une manière générale, dans le texte de la Convention, et en renvoyer l'application à des règlements particuliers.

Sir Francis Plunkett constate qu'il lui semble que tous les Délégués sont d'accord en principe sur l'opportunité de modifier la rédaction. Il préparera un projet de rédaction du texte de cet article sous la forme nouvelle qu'il propose de lui donner et soumettra ce projet à la Conférence à la prochaine séance.

Le Président propose que la Conférence s'ajourne au mardi 15 juin à 2 heures de l'après-midi.

Cette proposition est adoptée et la séance est levée à 5 heures moins 20 minutes.

Signé :

SIENKIEWICZ.
R. DE MARTINO.
G. NEYT.
HOLLEBEN.
ZAPPE.
J. DELAVAT.
SPEYER.
A. WOLFF.

ting treaties, while so far as sanitary measures were concerned, it was difficult to provide beforehand in a Convention for such measures as circumstances might render necessary. He thought that it would be sufficient to state the principle in a general manner in the text of the Convention, and refer points of detail for treatment to special Regulations.

Sir Francis Plunkett observed that it seemed to him that the Delegates were agreed in principle as to the desirability of altering the wording in question. He would prepare a draft of this Article in the altered form which he desired to suggest, and would submit this draft to the Conference at its next sitting.

The President proposed that the Conference should adjourn until Tuesday the 15th of June at 2 o'clock in the afternoon.

This proposal was adopted, and the meeting terminated at 20 minutes to 5 o'clock.

Signed :

INOUYE KAORU.
AOKI.
ZALUSKI.
F. R. PLUNKETT.
RICHARD B. HUBBARD.
J. J. VAN DER POT.
J. LOUREIRO.

Certifié conforme à l'original : Certified to be a correct copy :

SAITO SHIUICHIRO.
BARON DE SIEBOLD.
D. W. STEVENS.
JOHN H. GUBBINS.
P. DE LUCY-FOSSARIEU.

PROTOCOLE Nº 6.

SÉANCE DU 15 JUIN 1886.

PROTOCOL Nº 6.

MEETING OF THE 15TH JUNE, 1886.

PROTOCOLE Nº 6.

SÉANCE DU 15 JUIN 1886.

La Conférence s'est réunie à 2 heures de l'après-midi, sous la présidence du Comte Inouyé.

Etaient présents:

Pour le Japon:
Le Comte Inouyé et M. Aoki;
Pour la France:
M. Sienkiewicz;
Pour l'Autriche-Hongrie:
Le Comte Charles Zaluski;
Pour la Grande-Bretagne:
Sir Francis R. Plunkett;
Pour l'Italie:
M. de Martino;
Pour la Belgique:
M. Neyt;
Pour les Etats-Unis d'Amérique:
M. Hubbard;
Pour l'Allemagne:
M. von Holleben et M. Zappe;
Pour les Pays-Bas, pour la Suède et la Norvège, et pour le Danemark:
M. van der Pot;
Pour l'Espagne:
M. Delavat;
Pour le Portugal:
M. Loureiro;
Pour la Russie:
M. de Speyer;
Pour la Confédération suisse:
M. von Holleben et M. Wolff.

Le Président propose qu'il soit procédé à la signature du protocole de la dernière séance et demande si auparavant les Délégués ont quelques observations à faire.

Aucun Délégué n'ayant d'observations à formuler, il est procédé à la signature du protocole Nº 5.

Sir Francis Plunkett donne lecture, en anglais, d'une déclaration ayant pour objet de présenter à la Conférence un projet préparé par M. von Holleben et par lui-même, en vue du règlement de la partie juridictionnelle de la révision des traités. Le Délégué de la Grande-

PROTOCOL Nº 6.

MEETING OF THE 15TH JUNE, 1886.

The Conference met at 2 o'clock in the afternoon, under the presidency of Count Inouye.

There were present:

For Japan:
Count Inouye and Mr. Aoki;
For France:
Mr. Sienkiewicz;
For Austria-Hungary:
Count Charles Zaluski;
For Great Britain:
Sir Francis R. Plunkett;
For Italy:
Mr. de Martino;
For Belgium:
Mr. Neyt;
For the United States of America:
Mr. Hubbard;
For Germany:
Mr. von Holleben and Mr. Zappe;
For the Netherlands, for Sweden and Norway, and for Denmark:
Mr. van der Pot;
For Spain:
Mr. Delavat;
For Portugal:
Mr. Loureiro;
For Russia:
Mr. de Speyer;
For the Swiss Confederation:
Mr. von Holleben and Mr. Wolff.

The President proposed that the Protocol of the previous meeting should be signed, and enquired whether, before doing so, any Delegate had any remarks to offer.

No Delegate having any remarks to offer on this subject, Protocol No. 5 was accordingly signed.

Sir Francis Plunkett read a declaration, in English, introducing to the Conference a joint scheme for the settlement of the jurisdictional portion of treaty revision which had been elaborated by Mr. von Holleben and himself. The Delegate of Great Britain also read, in

Bretagne donne en outre lecture, dans la même langue, d'un projet de Convention que les deux Délégués proposent de substituer à la partie du projet actuel de Convention émanant du Gouvernement japonais qui se réfère à la juridiction.

M. von Holleben, ensuite, donne lecture, en français, de la même déclaration et du même projet de convention.

(Le texte du projet de Convention figure en annexe au présent protocole; le texte de la déclaration suit.)

"Nous soussignés, Représentants de la Grande-"Bretagne et de l'Allemagne, demandons la "permission de soumettre à la Conférence la "proposition suivante.

"Nous ne doutons pas que les Plénipotentiaires "du Gouvernement japonais, aussi bien que la "majorité de nos collègues ici assemblés, ne soient "d'accord avec nous pour reconnaître que les "projets jusqu'ici proposés pour la révision des "traités n'offrent ni les uns ni les autres les élé-"ments d'une solution durable, et qu'à moins "qu'on ne leur fasse subir d'importantes modi-"fications, ils ne présentent pas l'apparence d'être "pratiquement réalisables, ne fût-ce même que "comme *modus vivendi* provisoires.

"Loin de nous, cependant, la pensée de "vouloir en faire un grief au Gouvernement "japonais: nous reconnaissons volontiers, au "contraire, que ce Gouvernement a fait preuve "d'autant de diligence que d'habileté dans ses "efforts pour arriver à une transaction de nature "à concilier des opinions qui, sur bien des points, "se trouvent nécessairement en opposition.

"Si nous ne les envisageons qu'à ce seul point "de vue, nous devons rendre justice aux mérites "de ces divers projets.

"Les uns et autres ont eu pour objet moins "de résoudre la véritable difficulté que d'établir "un système provisoire en vue d'une période de "transition à franchir.

"Une étude attentive de la question, sous ses "aspects multiples et complexes, nous a amenés "à penser qu'un système tel que celui que nous "discutons actuellement, s'il était adopté, abou-"tirait presque inévitablement, dans la pratique, "à des froissements et à de graves conflits "d'attributions.

"Si, malgré cette conviction, nous avons "poursuivi l'examen des propositions soumises à "la Conférence, c'est seulement parce que jus-"qu'ici nous étions partis de cette idée que le

English, the draft of the Convention which it was proposed to substitute for that portion of the present Japanese Draft Convention which related to jurisdiction.

Mr. von Holleben then read, in French, the same declaration and Draft Convention.

The Draft Convention thus read appears as an annex to this Protocol; the declaration was as follows:—

"We, the undersigned Representatives of "Great Britain and Germany, beg leave to "submit to the Conference the following "proposals.

"We believe that both the Plenipotentiaries "of the Japanese Government, and most of our "Colleagues here assembled, will concur with "us in the view that the drafts so far submitted "for the revision of the treaties do not offer "the elements of a permanent solution, nor do "they afford, unless very much altered, a "prospect of being practically feasible, even as "a temporary *modus vivendi*.

"We are, however, far from wishing to make "this fact a matter of reproach to the Japanese "Government; on the contrary, we willingly "admit that they have endeavoured, with equal "diligence and ability, to bring about a com-"promise of opinions which in many details "are naturally conflicting.

"If we were to consider these drafts from "this point of view alone, they merit our full "appreciation.

"These drafts were proposed with the object, "not of solving the real difficulty, but of "bridging over only a period of transition.

"Careful consideration of the whole question "in all its many complicated bearings, makes "us believe that if such a system as that under "discussion were adopted, it would in practice "lead almost necessarily to misunderstanding "and serious conflict of authority.

"If, notwithstanding this view, we continued "the study of the proposals laid before the "Conference, it was because we have so far "been starting from the basis that the new

" nouveau traité avait pour objet unique d'établir " un état transitoire dont l'acceptation à titre " d'expérience, ne pouvait entrainer aucun dan- " ger sérieux.

" Nous croyons ne pas nous tromper en avan- " çant que chacun d'entre nous a en vue un but " final d'une tout autre importance, à savoir la " réalisation de l'ouverture complète de l'Empire " japonais aux étrangers, et, par voie de consé- " quence, l'admission du Japon, sur un pied " d'entière égalité, dans la grande famille des " nations.

" C'est seulement quand nous aurons arrêté un " plan satisfaisant et devant conduire à un si " noble but, que nous serons en droit de consi- " dérer notre tâche comme réellement et défini- " tivement accomplie.

" Ce but, le Gouvernement japonais a déjà, " lors de la Conférence de 1882, essayé de " l'atteindre à l'aide d'un projet qui comportait " une réforme étendue du système judiciaire " japonais avec l'adjonction de juges étrangers. " Cette proposition n'a pas alors rencontré l'ap- " probation générale; le moment n'était pas " venu encore pour l'acceptation d'une mesure " aussi large. Mais nous considérons qu'un " projet qui était peut-être prématuré il y a " quatre ans, nous fournit aujourd'hui, avec " quelques retouches, une solution favorable de " la question.

" Nous avons lieu de croire que, depuis le " commencement de la Conférence actuelle, plu- " sieurs d'entre nos collègues se sont souvenus " du projet de 1882, le jugeant préférable à celui " qu'on nous propose maintenant. Notre collè- " gue d'Italie, nous aimons à le constater, a " toujours préconisé la solution que nous sou- " mettons aujourd'hui à l'appréciation de la " Conférenee.

" Le Représentant d'une autre grande Puis- " sance européenne a également, au début des " négociations actuelles, exprimé l'avis qu'il " pourrait être plus sage pour le présent de con- " clure une convention commerciale seule, en " évitant de créer un état de transition pour la " juridiction, et qu'il valait mieux régler définiti- " vement la question par un arrangement qui " entrerait en vigueur à une date ultérieure " déterminée.

" Des doutes peuvent surgir, il est vrai, quant " à l'époque à partir de laquelle une réforme " telle que celle que nous proposons devra être

" treaty is meant only to establish a state of " transition, the acceptance of which as an " experiment could not entail any serious " danger.

" We believe that we are correct in assuming " that each of us has in view an ultimate object " of much greater importance, namely, to bring " about the complete opening of the Japanese " Empire to foreigners, and, in connection there- " with, to admit Japan as a fully recognized " member of the great family of nations.

" It is only upon the achievement of a satis- " factory plan, leading to this noble end, that " we shall be justified in considering that the " task has been actually and permanently ac- " complished.

" Already in the Conference of 1882, Japan " endeavoured to attain this end by means of a " scheme for an extensive reform of the Japanese " judicial system, with the addition of some " foreign judges. This proposal did not then " meet with general approbation; the time had " not yet come for the adoption of so compre- " hensive a measure; but we consider that what " may have been premature four years ago, now " affords, with some modifications, a favorable " solution of the present question.

" We believe that from the beginning of the " present Conference several of our Colleagues " have looked back to this scheme of 1882 as " better than the one now proposed, and we " record with pleasure that our Italian Colleague " has always recommended the solution which " we submit to the Conference to day.

" The Representative of another of the great " Powers of Europe has also, in the first stages " of the present negotiations, expressed the view " that it might be wiser, for the present, to con- " clude a Commercial Convention only, and not " to create a state of transition in regard to " jurisdiction, but rather to adopt a definite " settlement of the whole question which would " come into force at some future fixed date.

" A doubt may naturally exist as to the term " from which such a reform as we suggest should " come into operation, but we have no hesitation

"appliquée ; mais nous n'hésitons pas à déclarer
"qu'à cet égard la situation présente du Japon
"nous inspire la plus grande confiance.

"Les progrès rapides et intelligents accomplis
"par le Japon, le soin avec lequel ses affaires
"politiques sont dirigées par un Cabinet fami-
"liarisé avec les idées occidentales et pénétré de
"ces idées, nous semblent offrir une garantie
"suffisante que nous pouvons tenter aujourd'hui
"sans danger et avec succès de mettre à exécu-
"tion la réforme proposée en 1882.

"On nous objectera peut-être que les progrès
"accomplis dans la législation pendant ces deux
"dernières années ont été relativement plus lents;
"mais ceci tient sans doute à ce que le Japon
"lui-même, en présence de l'opinion manifeste
"des étrangers, commençait à douter de la possi-
"bilité d'une prompte réalisation de la réforme
"souhaitée dans la juridiction. Ce fait expli-
"que en grande partie l'insuffisance du projet
"qui nous est présenté actuellement par le Gou-
"vernement japonais.

"Appréciant la difficulté que le Gouverne-
"ment japonais pourrait éprouver à retirer ses
"propositions actuelles et à revenir à un projet
"repoussé il y a quatre ans, nous soussignés
"prenons sur nous de faire la proposition que
"nous venons soumettre à la Conférence.

"Nous croyons que les bonnes dispositions
"générales qui existent en ce moment sont de
"nature à favoriser l'introduction d'un projet
"ayant en vue la réforme de la juridiction dans
"un délai relativement court, et nous pensons
"qu'il sera possible d'éviter de la sorte la création
"d'une période transitoire comme celle que le
"projet actuellement soumis à la Conférence
"propose d'établir. C'est pourquoi nous n'hési-
"tons pas à recommander l'adoption de cette
"solution comme étant celle qui nous paraît
"devoir être la plus satisfaisante et la plus
"avantageuse pour toutes les parties intéressées.

"Nous soussignés avons donc l'honneur de
"déposer devant la Conférence le projet de Con-
"vention ci-joint et de recommander ce projet à
"l'examen bienveillant de tous les Délégués ici
"assemblés. Ce document, sous sa forme actuel-
"le, n'est encore qu'une ébauche qui ne con-
"tient que les grandes lignes de la Convention
"projetée, et nous comptons sur des discussions
"amicales avec nos collègues pour arriver à lui
"donner la forme définitive qu'il doit avoir.

"in recording our opinion that in this respect
"the present condition of Japan inspires us with
"full confidence.

"The intelligent and rapid progress which
"Japan has made, the careful manner in which
"her political affairs are managed by a Cabinet
"fully conversant and imbued with Western
"ideas, seem to us sufficient guarantee that we
"can now safely and successfully attempt to
"carry out the work proposed in 1882.

"Some may perhaps object that the progress
"in legislation has been proportionately less
"rapid during the past two years; this we
"believe to be due to the circumstance that
"Japan herself, in view of the expressed opin-
"ions of foreigners, began to doubt of the possi-
"bility of any prompt realization of the desired
"reform in jurisdiction. This explains, to a
"great extent, the insufficient nature of the
"scheme at present placed before us by the
"Japanese Government.

"Appreciating the difficulty which the Ja-
"panese Government might have in withdraw-
"ing their present proposals and reverting to a
"scheme rejected four years ago, we, the un-
"dersigned, assume the responsibility of making
"the proposal which we now lay on the table
"of the Conference.

"We believe that the general goodwill now
"existing favours the introduction of a scheme
"for the reform of jurisdiction within a com-
"paratively short time, and we believe that it
"will be possible to avoid thereby the necessity
"of any transition period such as is proposed in
"the Draft now before the Conference. We
"therefore heartily endorse this solution as the
"one most likely to favour the interests of all
"parties concerned.

"We, the undersigned, have now the honor
"to submit herewith the annexed Draft of Con-
"vention and recommend it to the kind con-
"sideration of all the Delegates here assembled.
"The document is as yet only a rough draft
"embodying the general outline of the Conven-
"tion, and we look to friendly discussion with
"our Colleagues to give it the definite shape in
"which it will finally be cast.

"Ce projet est basé sur les propositions japo-
"naises de 1882 ; mais en nombre de points nous
"avons tenu compte des observations qui furent
"formulées à l'époque où ce même projet fut
"mis en avant pour la première fois, et nous
"avons également porté notre attention sur
"certains autres points dont un examen plus
"attentif nous a conduits à reconnaitre l'impor-
"tance pratique.

"Dans notre pensée, il doit y avoir deux
"conventions: l'une commerciale, l'autre con-
"cernant la juridiction ;—ces deux conventions
"devant être signées simultanément et subor-
"données l'une à l'autre, et la clause de la na-
"tion la plus favorisée, ainsi que la clause de
"dénonciation, devant s'appliquer également à
"toutes deux.

"En terminant, qu'il nous soit permis d'ex-
"primer l'espoir que nos collègues voudront
"bien accueillir favorablement notre proposi-
"tion et que nous aboutirons ainsi à un résultat
"digne des grandes nations intéressées à l'œuvre
"de la révision des traités."

Le Délégué d'Allemagne, après avoir achevé cette lecture, ajoute les observations suivantes:

"Je prendrai la liberté d'ajouter encore un
"mot.

"Ainsi que la Conférence a pu le constater,
"j'ai recommandé, moi aussi, l'adoption de la
"langue anglaise comme langue officielle des
"tribunaux ne qu'il est question d'organiser, ce
"qui n'empêchera pas, cela va sans dire, que ces
"tribunaux soient pourvus d'interprètes con-
"naissant les autres langues.

"Je me permettrai de faire observer qu'en
"préconisant cette mesure, je ne fais que me
"conformer à des ordres spéciaux de mon
"Gouvernement que j'ai reçus, il y a peu de
"jours, par le télégraphe. Mon Gouvernement
"est d'avis que, dans des questions de cette
"nature, il faut se placer avant tout au point
"de vue pratique. Or, il est évident qu'il ne
"manquerait pas de surgir une foule de diffi-
"cultés et de complications si l'on voulait
"admettre plusieurs langues comme langues
"obligatoires de ces tribunaux. De plus, il
"est reconnu que l'anglais est la langue que
"parlent près des trois quarts des étrangers
"résidant au Japon et que cette langue est
"également la plus répandue parmi les Japonais
"eux-mêmes.

"It is based on the Japanese proposal of
"1882, but on many points note has been taken
"of the observations made at the time the
"scheme was first brought forward, and atten-
"tion has been paid to other matters which
"subsequent consideration has shown to be of
"practical importance.

"Our idea is that there should be two Con-
"ventions; one on commercial, and one on
"jurisdiction matters, both these Conventions
"to be signed at the same time, and to be
"dependent one on the other, the most favour-
"ed nation clause and the termination clause
"to be equally applicable to both.

"In conclusion, we venture to express the
"hope that our Colleagues will kindly give
"favorable consideration to our proposal, and
"that the result may be a conclusion not un-
"worthy of the great nations concerned in the
"work of treaty revision."

The Delegate of Germany, having completed the reading of these documents, made the following additional observations:—

"I take the liberty to add a few words.

"As the Conference is now aware, I have also
"recommended the adoption of the English
"language as the official language of the Courts
"in question, although this will not of course
"obviate the necessity of the Courts being
"provided with interpreters knowing other
"languages.

"I beg leave to observe that in advising this
"step, I simply comply with special instructions
"which I received a few days ago from my
"Government by telegraph. My Government
"is of opinion that questions of this nature
"must, before everything, be regarded from a
"practical point of view. Now it is evident
"that numberless difficulties and complications
"would not fail to arise if several languages
"were to be admitted as necessary languages of
"these Courts. Moreover it is a recognized
"fact that English is the language spoken by
"three fourths of the Foreigners who reside in
"Japan and that it is also the language in most
"general use amongst Japanese themselves.

"Pour ces motifs, il a paru convenable au "Gouvernement allemand d'adopter l'anglais "dans le cas présent, de même que le français "a été adopté autrefois pour les tribunaux mix- "tes en Egypte."

M. Aoki prononce le discours suivant en réponse à ceux des Délégués de Grande-Bretagne et d'Allemagne:

"Je parle à la fois au nom du Président et "au mien propre.

"Nous avons entendu avec une vive satisfac- "tion l'intéressante déclaration des Représentants "de la Grande-Bretagne et de l'Allemagne. "En réponse à leur proposition collective, nous "n'hésitons pas à déclarer que nous acceptons "entièrement, en principe, cette proposition au "nom du Gouvernement japonais, en nous ré- "servant d'en examiner de plus près les détails "à la prochaine séance de la Conférence.

"Nous remercions ces deux honorables Re- "présentants des sentiments qn'ils ont exprimés "à l'égard de notre pays. L'attitude qu'ils ont "prise est digne de la haut situation qu'occupent "les Souverains de leurs pays respectifs dans le "conseil des nations.

"Nous espérons sincèrement que leurs vues "recevront également l'approbation des autres "Puissances amies du Japon qui sont représen- "tées ici.

"C'est pour notre pays une satisfaction pro- "fonde que de voir que la politique et le but "poursuivis par le Gouvernement impérial sont "enfin à la veille de produire des résultats "pratiques, qui, nous en avons l'espoir, marque- "ront l'avènement d'une ère nouvelle, égale- "ment favorable pour tous, dans nos relations "internationales."

Le Comte Zaluski exprime son opinion en ces termes:

"J'ai suivi avec un vif intérêt la communica- "tion que viennent de nous faire les Délégués "d'Angleterre et d'Allemagne, et je la considère "comme d'un heureux augure pour le succès "final de la Conférence. Si, dans son cours, elle "nous a ménagé maintes surprises, celle-ci m'a "été personnellement de beaucoup la plus "agréable.

"Pendant que nos travaux en matière com- "merciale, confiés aux mains habiles de notre "Commission, promettent d'être menés à bonne "fin, le projet collectif de nos collègues d'An- "gleterre et d'Allemagne semble assurer

"For these reasons it has appeared desirable "to the German Government that English "should be adopted in the present case, just as "French was formerly adopted for the Mixed "Courts in Egypt."

Mr. Aoki made the following speech in reply to those of the Delegates of Great Britain and Germany:—

"I speak in the name both of the President "and myself.

"We have listened with great satisfaction to "the interesting declaration of the British and "German Representatives. In reply to their "joint proposal, we have no hesitation in declar- "ing that we on behalf of the Japanese Govern- "ment fully accept this proposal in principle, "reserving to ourselves a closer consideration of "the details at the next meeting of the Con- "ference.

"We thank both these Honorable Represen- "tatives for the sentiments expressed in regard "to our country. The attitude which they "have assumed is worthy of the high position "held by the Rulers of their respective nations "in the councils of the world.

"We hope sincerely that their views will "also receive the approbation and acceptance of "the other friendly Powers represented here.

"To our country it is profoundly gratifying "to learn that the policy and aims, which the "Imperial Government has been pursuing are "at last about to produce practical results which, "we hope, will be the beginning of a new era "in our international relations, alike profitable "to all."

Count Zaluski expressed his opinion in the following terms:—

"I have heard with unmixed pleasure the "interesting communication made to us by the "Delegates for Great Britain and Germany, and "hail it as a happy omen of the ultimate "success of the Conference. Although, in its "course, several surprises have developed them- "selves, this has been to me by far the most "agreeable.

"While the commercial arrangements intrus- "ted to the direction of our Committee are in "a fair way of settlement, the joint proposition "of our British and German Colleagues seems to "guarantee in advance an easy and satisfactory

"d'avance la solution facile et complète de la "seconde partie de notre tâche, le problème si "complexe de juridiction, en réglant les ques- "tions de cette nature à des conditions qui, "autant que j'en puis juger de prime abord, "ont toute chance de contenter également les "deux parties.

"En effet, elles accordent, d'une part, au "Gouvernement japonais la satisfaction na- "tionale d'ouvrir le pays sous le régime d'une "nouvelle législation intérieure; d'autre part, "elles entourent l'étranger décidé à se soumettre "aux lois et aux tribunaux du Japon, de ga- "ranties suffisantes à l'égard d'une administra- "tion impartiale et équitable de la justice.

"L'adjonction à ces tribunaux japonais d'un "certain nombre de juges de nationalité étran- "gère, a déjà fait l'objet d'une ancienne pro- "position du Gouvernement Impérial. Elle "ne rencontrera donc point de difficultés de ce "côté et aura de plus l'avantage de contribuer "efficacement à former une habile magistrature "indigène de la nouvelle école.

"Vu l'état avancé des travaux préparatoires "de législation, le terme de dix-huit mois fixé "pour leur achèvement, ne paraît point trop "court.

"Bref, sans entrer dans un plus minutieux "examen des articles de ce projet de Convention "judiciaire, et tout en me réservant la liberté "de présenter, dans le cours de leur discussion, "les remarques qu'ils pourraient me suggérer, "je suis heureux de me déclarer prêt à accepter "le projet dans son ensemble, et je souhaite "sincèrement que tel soit aussi le point de vue "des Délégués de toutes les Puissances ici re- "présentées.

"Permettez-moi encore, Messieurs, de vous "faire observer incidemment que, dans le cas "où le projet en question viendrait à être ap- "prouvé et la durée des Conventions y relatives "fixée à quinze ou dix-sept ans, il serait désira- "ble, pour des raisons d'opportunité, de con- "clure les traités de commerce pour le même "nombre d'années."

M. de Martino prononce ensuite le discours suivant.

"Je remercie mes honorables amis et collègues "du passage qui me concerne dans le mémoran- "dum dont ils viennent de donner lecture. "J'ai, en effet, dès mon arrivée au Japon, soutenu

"solution of the second portion of our task, the "complicated problem of jurisdiction, by regu- "lating questions of this nature under conditions "which, so far as I can judge at the moment, "are likely to prove acceptable to both parties.

"They give, in fact, on the one hand, to the "Japanese Government the national satisfaction "of throwing the country open under a new "system of internal legislation; while, on the "other hand, they provide the foreigner who "elects to submit to Japanese laws and tribunals "with sufficient guarantees for an impartial and "equitable administration of justice.

"The appointment of a certain number of "foreign judges to Japanese courts has already "been the object of a former proposal of the "Imperial Government; it will, therefore, meet "with no difficulty on their side, and will have "the advantage, moreover, of contributing, in "no small degree, to the formation of an able "Japanese judiciary of the modern school.

"Considering the advanced state of progress "which the preparatory work of legislation has "attained in Japan, the period of eighteen "months named for its completion does not "seem too brief.

"Thus, without examining more closely the "separate articles of this Draft Jurisdictional "Convention, and while reserving to myself "liberty to make later on such remarks as may "be suggested to me in the course of their "discussion, I am happy to declare my readi- "ness to accept the scheme in its general out- "line, and venture to express the sincere wish "that such may be also the views of the Delegates "of all the Powers here represented.

"I beg to add, incidentally, that should this "jurisdictional project meet with an unanimous "approval, and the limit of the respective "Conventions relating to that project be fixed "at fifteen or seventeen years, the commercial "treaties should, I think, for reasons of con- "venience, be concluded for the same number "of years."

Mr. de Martino then made the following speech:—

"I thank my honorable friends and col- "leagues for the passage in the memorandum "just read by them which concerns myself. "I have ever since my arrival in Japan main-

"les principes fondamentaux de la proposition
"qui vient de nous être soumise, et je n'ai négligé
"aucune occasion qui m'a semblé opportune
"pour m'en faire l'avocat.

"Le projet de Convention que nous allons
"examiner me paraît avoir été trop modestement
"appelé une ébauche. Si des modifications y
"sont apportées, elles ne devraient, à mon avis,
"modifier que des détails.

"Les séances que nous avons eues jusqu'ici
"ont manifesté l'esprit de conciliation qui nous
"anime sans exception. J'ai lieu d'espérer
"que ce même esprit nous fera trouver les
"moyens de nous entendre, alors même que des
"divergences secondaires se produiraient. Je
"puis affirmer, sans danger d'être contredit, que
"nous n'avons qu'un désir: de pouvoir accorder
"au Japon ses légitimes demandes en fixant d'un
"commun accord les garanties qui sont néces-
"saires à nos intérêts et à nos droits.

"L'étude des propositions du Gouvernement
"japonais m'avait donné la conviction que le
"Gouvernement Impérial était allé à l'extrême
"limite des concessions qu'il lui était possible de
"nous faire sans entamer le principe qu'il déclare,
"et qu'il déclare à juste titre, inviolable: point
"d'ouverture de tout l'Empire sans l'abolition
"de la juridiction consulaire. Mais il serait
"inutile de se le dissimuler: nous travaillions à
"une œuvre qui n'était réellement pas satisfai-
"sante. Elle ne l'était pas pour le Japon, et je
"ne crois pas que notre Président me contredise.
"Elle ne l'était pas pour nous, et je n'appuierai
"cette assertion que sur l'avis que je partage
"avec plusieurs de mes collègues, concernant les
"ports dits "*accessibles*," où ni commerce ni
"entreprises industrielles n'auraient pu être
"créés, se développer, ou tout au moins se main-
"tenir, sur des points de territoire sans débouchés
"et qui pouvaient à juste titre se nommer em-
"prisonnés. Il me suffira d'ajouter un autre
"fait: la déception, et je puis dire le mécontente-
"ment avec lequel le projet de Règlement pour
"les Passeports avait été accueilli. Mais on
"nous a dit que nos labeurs étaient un premier
"pas; que, d'une part, nous allions faire une
"brèche dans la muraille de Chine (si je puis
"m'exprimer ainsi) dont le Japon, à contre-
"cœur, s'entoure, et que le Japon, d'autre part,

"tained the fundamental principles of the
"proposition which has been submitted to us,
"and I have not neglected a single occasion
"which appeared to be opportune for constitut-
"ing myself their advocate.

"The Draft Convention which will be
"examined by us appears to me to have been
"too modestly called a rough draft. If modi-
"fications are made in it, the only changes, in
"my opinion, which will be necessary will be
"those concerning details.

"Our meetings up till now have shown that a
"spirit of conciliation animates us all without
"exception. I have reason to hope that the
"same spirit will enable us to arrive at an
"agreement, even when divergencies of opinion
"on subjects of secondary importance may
"arise. And I affirm without danger of being
"contradicted that we have but one desire,—to
"be able to grant to Japan her legitimate
"demands, while fixing by a common agreement
"the guarantees which are necessary to our
"interests and to our rights.

"A study of the propositions of the Japanese
"Government had convinced me that they
"had gone to the extreme limit of the con-
"cessions which it was possible for them to
"make to us without infringing upon the
"principle which they had laid down, and
"which they justly declared to be inviola-
"ble,—namely, that there should be no opening
"of the whole Empire without the abolition of
"Consular Jurisdiction. But it would be use-
"less to disguise from ourselves the fact that we
"were working at a task which was not really
"satisfactory. It was not satisfactory for
"Japan, and I do not think that our President
"will contradict me on this point; nor was it
"satisfactory for us, and I rest this assertion on
"the opinion which I share with many of my
"Colleagues in regard to the so called "*accessi-*
"*ble*" ports, where neither commerce nor indus-
"trial enterprise could have been created, have
"been developed, or even have maintained
"themselves in their position on points of terri-
"tory without outlets, and which might justly
"be said to be imprisoned. It will be sufficient
"for me to add one other fact, that of the dis-
"appointment, and I may even say the dissatis-
"faction, with which the Draft Passport Regu-
"lations were received. It was said to us, how-
"ever, that our labors constituted only the first

"brisait un des anneaux de la chaîne juridiction-
"nelle que nous devons encore lui imposer. On
"affirmait que ce premier pas, bien craintif, bien
"chancelant, je puis ajouter bien compliqué,
"était tout ce qui pouvait se faire.

"Avec une conscience plus nette de la situa-
"tion actuelle, nous pourrons apposer bientôt,
"je l'espère, nos signatures à une réforme sim-
"ple, claire, qui ne sera pas rachitique, qui nous
"donnera le très-grand bénéfice de l'ouverture
"de tout l'Empire,—ce qui est le but (pour quel-
"ques-uns d'entre nous ce n'était peut-être
"qu'un idéal) vers lequel nous avons toujours
"dirigé nos efforts,—et qui accordera au Japon
"la satisfaction d'amour-propre et de dignité
"nationale qu'il a bien prouvé avoir méritée.

"Pour nous, Messieurs mes Collègues, que
"nous faut-il?—Deux choses: le respect des
"droits acquis, aussi longtemps que ces droits
"auront une raison d'être; des garanties sûres,
"efficaces, pour les droits nouveaux qui dérive-
"ront du nouvel état des choses. Ces deux
"conditions nous sont assurées par les bases qui
"nous sont soumises.

"Je laisserai à des voix plus éloquentes que la
"mienne le soin de développer tous les argu-
"ments en défense du projet. Qu'il me soit
"permis seulement d'ajouter qu'avec des juges de
"nationalité étrangère dans les tribunaux des
"seconde instance et d'appel, nous aurons toute
"les garanties suffisantes quant à l'application de
"la loi et qu'il n'était pas nécessaire de vouloir
"de ces juges aux tribunaux de degrés inférieurs,
"ainsi qu'on l'avait proposé en 1882; et qu'avec
"des juges de nationalité étrangère à la Cour de
"Cassation, on aura toutes les garanties suffi-
"santes quant à l'interprétation de la loi. Je me
"permets enfin d'attirer l'attention du Gouver-
"nement du Japon sur les avantages réels et
"sérieux qui résulteront pour ses magistrats
"d'une vraie école de jurisprudence et d'un
"enseignement pratique dans l'application de
"lois nouvelles pendant la période, toujours
"difficile, de l'adaptation de notre civilisation à
"l'ancienne et glorieuse civilisation de ce pays".

"step; that, on the one hand, we were going to
"make a breach in the Chinese wall (if I may
"be allowed to so express myself) with which
"Japan has, against her will, surrounded her-
"self; and that Japan, on the other hand, was
"breaking one of the rings in the chain of
"jurisdiction which it was our duty still to im-
"pose upon her. It was asserted that this first
"step, very timid, very hesitating, and I may
"be allowed to add, surrounded by complica-
"tions, was all that could be done.

"With a clearer appreciation of the present
"situation, we shall be able, I hope, soon to
"affix our signatures to a simple and clear revi-
"sion which will be solid, which will give us
"the very great benefit of the opening of the
"whole Empire,—which is the goal (for some
"amongst us it existed, perhaps, only as an
"ideal) towards which we have steadily directed
"our endeavors,—and which will satisfy Japan's
"proper pride and national dignity in a way of
"which she has clearly shown herself worthy.

"For us, my Colleagues, two things are
"necessary, respect for rights already acquired,
"so long as those rights have a *raison d'être*;
"and sure and efficacious guarantees for the
"new rights which will be created by the new
"state of things. These two conditions are
"assured to us by the basis now submitted.

"I will leave to voices more eloquent than
"mine the task of developing all the arguments
"in defense of this project. I may be allowed
"simply to add that with judges of foreign
"nationality in the Courts of Second Instance,
"and the Courts of Appeal, we shall have quite
"sufficient guarantees in regard to the applica-
"tion of the law, and that it was not necessary
"to stipulate for these judges in the Courts of
"lower degree, as was proposed in 1882; and
"that with judges of foreign nationality in the
"Court of Cassation, there will be quite ample
"guarantees for the interpretation of the law.
"I beg leave, in conclusion, to draw the atten-
"tion of the Japanese Government to the real
"and important advantage which their judges
"would derive from a regular school of juris-
"prudence, and from practical instruction in the
"application of new laws during the period,
"always one of difficulty, of the adaptation of
"our civilization to the ancient and glorious
"civilization of this country."

M. Sienkiewicz présente les observations suivantes.

"Le Gouvernement japonais, dit-il, nous a "communiqué, il y a six semaines environ, un "projet de réforme judiciaire. Il l'abandonne "aujourd'hui et adopte comme sien un autre "projet que viennent de proposer à l'instant "MM. les Délégués d'Angleterre et d'Allema-"gne.

"La situation créée par le Mémorandum "japonais de 1884 se trouve ainsi entièrement "changée. Il nous faut donc un peu de temps "pour nous reconnaitre et nous rendre compte "du projet nouveau dont le Gouvernement "japonais voudra bien, je l'espère, nous adresser "le texte aussi tôt que possible.

"Je propose, en conséquence, que la Con-"férence s'ajourne à quinze jours."

M. Hubbard déclare qu'il est heureux de voir ces propositions soumises à la Conférence, car, tout en ne rentrant peut-être pas strictement dans l'ordre de discussion, elles paraissent contenir les éléments d'une solution satisfaisante des importantes questions de juridiction que la Conférence a à examiner. Il est d'accord avec le Délégué de France pour penser qu'un certain temps sera nécessaire pour étudier ces propositions et il doit par conséquent s'abstenir pour l'instant de toute appréciation développée à leur égard, sauf pour dire que la proposition actuelle, dans son ensemble, lui paraît incontestablement préférable à celle qui a été officiellement présentée à la Conférence, et qu'il espère qu'aujourd'hui, en 1886, elle aura un sort plus heureux qu'en 1882, lorsqu'elle fut soumise, en substance, aux Puissances signataires. Il n'hésite donc pas, ayant attentivement lu et étudié, comme il l'a fait, le projet de 1882, à féliciter le Comte Inouyé de l'accueil fait par lui à une proposition dont lui-même avait été le premier auteur et s'était fait l'avocat il y a quatre ans, et qui revient aujourd'hui, analogue quant au fond, présentée par les honorables Délégués de Grande-Bretagne et d'Allemagne.

M. Hubbard ne se propose pas, pour l'instant, de parler des mérites du projet, mais il se réserve pour une séance ultérieure le privilège de le faire. Il sera de son devoir, vis-à-vis de lui-même et vis-à-vis de son pays, de mettre alors en pleine et durable lumière la politique libérale invariablement suivie jusqu'ici par les Etats-Unis dans la question de la juri-

Mr. Sienkiewicz presented the following observations:—

"The Japanese Government communicated "to us about six weeks ago a proposal for juris-"dictional revision. They have abandoned it "to day, and have adopted as their own another "proposal, which has just been submitted to us "by the Delegates of Great Britain and Ger-"many.

"The situation created by the Japanese Mem-"orandum of 1884 is thus entirely changed. "We require, therefore, a little time to under-"stand where we are, and to make ourselves "acquainted with the new proposal, the text of "which I trust the Japanese Government will "communicate to us as soon as possible.

"I propose, therefore, that the Conference "should adjourn for 15 days."

Mr. Hubbard observed that he was glad that these proposals had been laid before the Conference, because, though perhaps not strictly in the order of discussion, they appeared to offer a satisfactory solution of the important jurisdictional questions which had to be considered. He agreed with the Delegate of France that some time would be required for the study of these proposals, and he must therefore for the present reserve any elaborate expression of opinion in regard to them, except to say that the present proposition, as a whole, seemed to be decidedly preferable to the one which had been formally presented to the Conference, and that on its submission to the Treaty Powers on this day, in 1886, he hoped that a better fate awaited it than when it was presented (in substance) in 1882. He did not hesitate, therefore, from careful reading and study of the project of 1882, to congratulate Count Inouye on welcoming to these Councils a proposition of which he was the author and advocate four years ago, and now submitted in substance by the Delegates of Great Britain and Germany.

Mr. Hubbard did not propose to speak on the present occasion of the merits of this scheme, but would reserve that privilege until a subsequent session, when it would be due alike to himself and to his country to place on enduring record the advanced position which the United States had always maintained on the question of jurisdiction, as

diction, politique qui n'a cessé d'être exprimée par ses prédécesseurs et que prétend continuer à suivre son Gouvernement, qui s'est toujours montré parmi les plus chauds et les plus sincères avocats de l'autonomie nationale du Japon.

La constitution spéciale des nouveaux tribunaux donnera évidemment naissance à certaines difficultés, mais ces difficultés, l'orateur en a la ferme conviction, seront résolues d'une manière équitable. Il a exprimé cet espoir à son honorable collègue d'Angleterre lorsque celui-ci lui a fait l'honneur de lui demander son avis sur le projet, qui a été de sa part l'objet d'un examen complet avant qu'il ne fût soumis à la Conférence.

Le Délégué du Etats-Unis ne doute pas que son Gouvernement ne l'approuve d'exprimer ici la satisfaction qu'il éprouve en présence de l'intervention amicale et opportune de deux des grandes Puissances en cette question. Son Gouvernement entend qu'il adopte et soutienne tout projet équitable, en rapport avec le haut degré de développement qu'a atteint le Japon, de nature à promettre des résultats harmonieux et favorables, et qui, comme celui que l'on vient de substituer au projet primitif, puisse être considéré comme une proposition originale émanant du Gouvernement japonais. Aussi est-il heureux que les Délégués du Japon à la Conférence aient formellement accepté les propositions faites par les Délégués de Grande-Bretagne et d'Allemagne.

Il termine en s'associant de nouveau aux réserves faites par son honorable collègue le Délégué de France.

M. Neyt dit qu'il a entendu avec la plus vive satisfaction la communication que viennent de faire à la Conférence MM. les Délégués de Grande-Bretagne et d'Allemagne. Le système qu'ils proposent lui a toujours paru devoir être le seul pouvant amener une solution logique du problème si compliqué du changement de juridiction. Il a formulé cette opinion à différentes reprises, dès le début des pourparlers, au mois de juin de l'année dernière; plusieurs des membres de la Conférence pourraient en témoigner. Mais il fait remarquer qu'en s'exprimant ainsi, il ne fait qu'émettre des vues purement personnelles. Ses instructions étant basées sur le Mémorandum de 1884, force lui est de réserver son acceptation formelle jusqu'à ce qu'il en ait référé à son Gouvernement et qu'il ait

expressed by his predecessors, and still maintained by his Government, which had always been among the most liberal and outspoken advocates of the national autonomy of Japan.

Questions would arise of course in regard to the special constitution of the new Courts; but these, Mr. Hubbard confidently trusted and expected, would receive an equitable solution. He had expressed this hope to his British Colleague when the latter did him the honour to ask his opinion of this project, which was fully examined by Mr. Hubbard before its presentation to the Conference.

His Government, Mr. Hubbard knew, would approve his action in thus expressing gratification on account of the friendly and timely action of two of the Great Powers in thus taking the initiative in this matter. His Government expected him, he said, to ally himself with and to support any just project in recognition of the present advanced and intelligent status of Japan, which promised harmonious and successful results, and which, like the one now substituted, might be considered as an original proposition submitted by the Japanese Government. Mr. Hubbard was glad, therefore, that the Japanese Representatives in this Conference had formally accepted the proposals made by the Delegates of Great Britain and Germany.

He concluded by associating himself with the reservations made by his Honorable Colleague the Delegate of France.

Mr. Neyt said that he had listened with the greatest satisfaction to the communication which the Delegates of Great Britain and Germany had made to the Conference. The system which they proposed had always appeared to him to be the only one which could lead to a logical solution of so complicated a problem as that of the change of jurisdiction. He had formulated this opinion on several occasions since the commencement of *pour-parlers* in June of last year, as many members of the Conference could testify. But he pointed out that in thus expressing himself he merely put forward his personal views. His instructions related only to the Memorandum of 1884, and he was therefore obliged to reserve his formal acceptance until he had referred the matter to his Govern-

reçu de lui de nouvelles instructions.

M. Sienkiewicz fait observer que la Conférence s'est réunie pour discuter les bases fixées par le Mémorandum de 1884. Aujourd'hui le Gouvernement japonais s'écarte de ce Mémorandum et lui substitue, dans une question de premier ordre, une proposition nouvelle. La situation se trouve radicalement modifiée: ce n'est plus une convention que la Conférence a à préparer; il s'agit d'un traité, et d'un traité politique d'une importance capitale. Or, les pouvoirs dont le Délégué de France est muni ne l'autorisant à discuter que les propositions contenues dans le Mémorandum de 1884, il lui est absolument indispensable d'obtenir des instructions nouvelles avant de se prononcer d'une manière quelconque sur le projet qui vient d'être proposé.

M. Neyt désire savoir s'il doit considérer les propositions des Délégués de Grande-Bretagne et d'Allemagne comme étant formellement adoptées par le Gouvernement japonais.

M. Sienkiewicz estime que le projet présenté par les deux Délégués de Grande-Bretagne et d'Allemagne ne peut être discuté par la Conférence qu'à condition d'avoir été au préalable officiellement adopté par le Gouvernement japonais. Ce projet, émanant des deux Gouvernements de la Grande-Bretagne et de l'Allemagne, aurait pu être proposé aux autres Gouvernements soit par les Cabinets de Londres et de Berlin, soit par le Gouvernement japonais.— Le premier mode n'ayant pas été employé, il faut que le Gouvernement japonais accepte le projet comme sien et le présente pour tel. Dès lors, il deviendra un projet purement japonais, constituant une base fixe. Il faut encore que le Gouvernement japonais retire son projet de réforme judiciaire actuel.

Le Comte Zaluski, répondant à une question direct du Délégué de Belgique, et afin d'écarter toute fausse interprétation de ses propres paroles, constate que, n'ayant pas été initié aux pourparlers entre les Représentants de Grande-Bretagne et d'Allemagne au sujet du projet de Convention judiciaire, il en avait accepté les idées générales, non pas à la suite d'instructions spéciales reçues de son Gouvernement, mais simplement sur la base de ses instructions anciennes et de ses pleins pouvoirs.

ment, and had received from them fresh instructions.

Mr. Sienkiewicz observed that the Conference had met to discuss the basis fixed by the Memorandum of 1884. To day the Japanese Government separated themselves from this Memorandum, and substituted for it, in a question of the first importance, a new proposition. The situation was thus radically altered; it was no longer a Convention which the Conference had to frame, but a Treaty, a political Treaty of the highest importance. The Powers of the Delegate of France authorizing him only to discuss proposals contained in the Memorandum of 1884, it was absolutely indispensable for him to obtain fresh instructions before committing himself in any way to an opinion on the proposals which had been submitted.

Mr. Neyt wished to know if he ought to consider the proposals of the Delegates of Great Britain and Germany as being adopted formally by the Japanese Government.

Mr. Sienkiewicz was of opinion that the proposals presented by the Delegates of Great Britain and Germany could not be discussed by the Conference, unless they had been previously officially adopted by the Japanese Government. This project, emanating as it did from the Governments of Great Britain and Germany, could have been brought to the attention of the other Gevernments either by the Cabinets of London and Berlin, or by the Japanese Government. The first method not having been employed, the Japanese Government ought to adopt the proposition as its own, and present it as such. It would then become a purely Japanese project, constituting a fixed basis. It was necessary also for the Japanese Government to withdraw its present proposals relating to jurisdictional revision.

Count Zaluski, in reply to a question addressed to him by the Delegate of Belgium, and with the view of preventing any incorrect interpretation of his own remarks, stated that not having been included in the *pour-parlers* which had passed between the Represe ntatives of Great Britain and Germany on the subject of the Draft Jurisdictional Convention, he had accepted the general plan of their proposals, not because of special instructions received or solicited by him from his Government, but simply

M. Hubbard dit que les propositions des Délégués de la Grande-Bretagne et de l'Allemagne, si elles sont adoptées par le Gouvernement japonais, se trouveront par le fait substituées aux propositions primitives de ce Gouvernement touchant la juridiction. Il se trouvera par suite, de même que ses collègues, dans la nécessité de faire connaître à son Gouvernement, ainsi qu'il l'a déjà annoncé, le parti auquel s'arrêtera la Conférence, mais il ne voit pas d'inconvénient à ce que la Conférence discute dès à présent ces propositions nouvelles.

Le comte Zaluski n'a aucune objection à ce que, conformément à la proposition du Délégué de France, l'examen du nouveau projet de convention judiciaire soit remis à quinzaine, mais il désire que la discussion des matières commerciales n'en soit pas interrompue pour cela.

M. Sienkiewicz insiste pour la remise à quinzaine. La plupart des Délégués présents connaissent ce projet de longue main et se trouvent par conséquent prêts à le discuter séance tenante. Mais le Délégué de France n'a eu connaissance de ce document que la veille au soir, par une lecture rapide que Sir Francis Plunkett a bien voulu lui en donner. Il n'a donc que des idées très-vagues sur l'ensemble du projet, et il lui faut un certain temps pour se rendre compte de sa portée réelle. Au reste, en réclamant la la remise de la discussion, M. Sienkiewicz ne fait que se conformer à une règle posée par la Conférence elle-même.

Sir Francis Plunkett est d'avis que la proposition faite par le Délégué de France et tendant à ce que la conférence s'ajourne à quinze jours, soit adoptée. Il croit remarquer, en effet, que le vœu général est en faveur d'un délai qui permette d'étudier le projet soumis à la Conférence par son collègue d'Allemagne et par lui-même.—Il émet l'avis que le projet de Convention judiciaire soit imprimé à part du protocole et communiqué à chacun des Délégués le plus promptement qu'il sera possible.

Le Président déclare qu'il est également partisan du renvoi à quinzaine de la discussion de ces nouvelles propositions. Toutefois, il est d'avis que la discussion des questions commerciales ne doit pas être interrompue.

on the basis of his previous intructions and full powers.

Mr. Hubbard said that the proposals of the Delegates of Great Britain and Germany, if adopted by the Japanese Government, would take the place of their previous proposals in regard to jurisdiction. It would be necessary for him, like his Colleagues, to refer, as heretofore announced, the final action of this Conference to his Government, but he thought that a preliminary discussion was not undesirable.

Count Zaluski had no objection to postponing the consideration of the new Draft Convention, for fifteen days, in accordance with the suggestion made by the Delegate of France, but he was anxious that the discussion of commercial matters should not be interrupted.

Mr. Sienkiewicz insisted upon a postponement of the discussion for fifteen days, Most of the Delegates present had been acquainted with this project for some time previously, and were, thereforeprepared to discuss it forthwith. The Delegate of France, however, had no knowledge of this document until the previous evening, when Sir Francis Plunkett had kindly read it to him hurriedly. He had therefore only a very vague idea of the whole project, and he required a certain time to enable him to understand the real bearing of it. Moreover, in demanding the postponement of the discussion, Mr. Sienkiewicz was only acting in accordance with a rule laid done by the Conference itself.

Sir Francis Plunkett was of opinion that the proposal of the Delegate of France that the Conference should adjourn for fifteen days should be adopted. It appeared to him that there was a general desire for time to study the proposals submitted to the Conference by his German Colleague and himself. He suggested that the Draft Jurisdictional Convention might be printed in a form distinct from the Protocol, and communicated to each Delegate with as little delay as possible.

The President stated that he was also in favor of the postponement of discussion on the new proposals for fifteen days. He thought, however, that the discussion on commercial matters need not be interrupted.

M. Sienkiewicz fait valoir de nouveau la nécessité d'étudier un projet tout nouveau pour lui.

M. Neyt réitère sa demande sur le point de savoir si le texte des propositions qui viennent d'être soumises à la Conférence est officiel et définitif, ou s'il doit subir des modifications. Des éclaircissements sur ce point lui sont indispensables pour qu'il puisse en référer à son Gouvernement.

Le Président répond que ces propositions étant acceptées devenaient officielles.

M. Sienkiewicz insiste sur ce point que le Gouvernement japonais doit communiquer aux Délégués le texte de la proposition. Il leur avait communiqué, il y a six semaines, un texte officiel destiné à servir de base aux discussions. La proposition que l'on met en avant aujourd'hui se trouvant substituée à la proposition primitive, il importe que le Gouvernement japonais prenne l'initiative de communiquer ce texte nouveau comme il avait communiqué le premier.

Après une discussion générale sur ce point, la séance est suspendue pendant un quart d'heure.

A la reprise de la séance, le Président déclare, au nom du Gouvernement japonais, adopter le projet de Convention judiciaire soumis à la Conférence par les Délégués de la Grande-Bretagne et de l'Allemagne aux lieu et place des articles relatifs à la juridiction qui figurent dans le projet de Convention révisée primitivement présenté, et il retire en conséquence toute la partie des propositions japonaises relative à la juridiction. Les propositions nouvelles seront imprimées et distribuées dans trois jours aux Délégués.

M. de Martino propose que la Conférence continue, dans l'ordre de discussion originairement établi, l'examen des questions restées pendantes depuis la dernière séance.

Cette proposition est adoptée.

M. Sienkiewicz rappelle à ce sujet que lors de la dernière séance trois questions étaient demeurées en suspens.

La première de ces questions portait sur la formation d'un comité consultatif de négo-

Mr. Sienkiewicz insisted again upon the necessity, which he felt was incumbent upon him, of studying a project which was altogether new to him.

Mr. Neyt again desired to know whether the texts of the proposals submitted to the Conference were official and definite, or whether they were liable to modification. Information on this point was essential for his guidance in communicating with his Government.

The President said that these proposals, when once accepted, became official.

Mr. Sienkiewicz adhered to the opinion that the Japanese Government were bound to communicate to the Delegates the texts of the proposals. They had already communicated, to the members of the Conference some six weeks before an official text intended to serve as a basis for discussion. The proposal put forward to-day having been substituted for the original proposal, it was necessary that the Japanese Government should take the initiative, and communicate this new text as they had done in the case of the first.

After a general discussion upon this point, the sitting was suspended for fifteen minutes.

When the Conference reassembled, the President declared that, on behalf of the Japanese Government, he adopted the Draft Jurisdictional Convention submitted to the Conference by the Delegates of Great Britain and Germany in place of the Jurisdictional Articles of the Draft Revised Convention previously submitted; and he accordingly with-drew those portions of the Japanese proposals which related to jurisdiction. The new proposals would be printed and furnished to the Delegates in three days.

Mr. de Martino proposed that the Conference should proceed, in the order of discussion previously agreed to, with the consideration of those points which at the previous meeting had been left over for discussion.

This proposal was adopted.

Mr. Sienkiewicz observed with reference to this subject, that at the previous meeting of the Conference three questions had been left unsettled.

The first of these related to the formation of a Consulting Committee of merchants. The

ciants.—Le Délégué de France avait lui-même proposé la formation de ce comité, par la raison qu'un comité analogue avait existé et fonctionné en 1882. Mais la Commission ayant trouvé des inconvénients à la création d'un pareil comité, il ne croit pas devoir insister sur ce point; ce qui importe, c'est que tous les négociants étrangers désignés par les Délégués soient également consultés. Quant aux voies et moyens, c'est à la Commission d'en décider.

La seconde question portait sur le point de savoir dans quelle mesure le tarif d'importation doit être communiqué aux négociants.—Mais si M. Sienkiewicz a bien compris le sens des discussions qui se sont produites sur ce point, il y aurait déjà quatre ans que ce tarif serait connu. On peut donc considérer comme acquis que certains négociants connaissent déjà le projet de tarif. Au reste, M. Sienkiewicz doute fort que la divulgation, même complète, du tarif puisse donner lieu à de ces spéculations que l'on semble si désireux d'empêcher. Les négociants ne sont pas assez imprudents pour s'exposer aux risques qui pourraient résulter pour eux d'achats importants faits longtemps à l'avance, et alors surtout que l'époque où le nouveau tarif entrera en vigueur est encore indécise. La période, de six mois sans doute, qui leur sera laissée entre la notification du tarif et sa mise en vigueur, sera bien suffisante pour sauvegarder les intérêts des uns et des autres.

Le Gouvernement japonais, pour des raisons d'ordre supérieur, est, il est vrai, hostile à toute publicité donnée au tarif. Mais il est facile de concilier tous les intérêts en établissant une distinction entre la publication officielle et les communications officieuses et confidentielles. M. Sienkiewicz propose, en conséquence, que le texte même du tarif soit communiqué, sous toutes les garanties désirables, aux négociants désignés par les Délégués.

Le troisième question se réduisait à savoir si la Commission serait une commission ouverte ou une commission fermée.—Cette Commission, primitivement chargée de l'étude du tarif seulement, a changé de caractère par le fait que les

Delegate of France had himself proposed the appointment of this Committee for the reason that a similar Committee had existed and carried on certain work in 1882. But the Tariff Committee having found that certain inconveniences would result from the creation of such a Committee, he did not think it was necessary to insist upon this point. What was important was that all the foreign merchants designated for consultation by the Delegates should be consulted equally. With regard to the procedure to be followed, this was a matter for the Committee to decide.

The second question was to determine in what way, and to what extent, the import tariff should be communicated to the merchants. If, however, Mr. Sienkiewicz had properly understood the purport of the discussion which had taken place upon this point, it would seem that this tariff had already been known for four years. It could, therefore, be considered as an established fact that certain merchants were already acquainted with the tariff project. Mr. Sienkiewicz, moreover, doubted much whether the divulgation of the tariff, even if complete, could give rise to the speculations which there seemed to be so strong a desire to prevent. Merchants were not so imprudent as to expose themselves to the risks which might result from making important purchases far in advance, more especially when the date at which the new tariff would come into operation was still undecided. The period of six months, which would probably be granted between the notification of the tariff and its coming into operation, would be quite sufficient to safeguard the interests of all.

The Japanese Government were, it was true, for important reasons averse to any publicity being given to the tariff, but it was easy to conciliate all interests by establishing a distinction between official publication and semi-official and confidential communications. Mr. Sienkiewicz accordingly proposed that the text of the tariff should be communicated, under every desirable guarantee, to the merchants who were designated for consultation by the Delegates.

The third question reduced itself to this—was the Committee to be a closed or an open Committee? This Committee, originally charged with the study of the tariff only, had changed its character by the fact that the regulations

règlements relatifs au commerce lui ont été renvoyés. Ces règlements sont d'une importance considérable. Nonseulement ils constituent comme l'essence de la partie commerciale de la Convention, mais ils appliquent même une série de pénalités. Dans ces conditions, le Délégué de France est d'avis que chacun des Délégués ait la faculté d'assister, s'il le juge à propos, aux séances de la Commission, avec voix délibérative.

Le Président fait observer que la première question mentionnée par le Délégué de France a déjà, à ce qu'il lui semble, été résolue par la Conférence.

Quant à la seconde question, il pense qu'elle pourrait être résolue, en conformité avec les vues de M. Sienkiewicz, par la communication du tarif à titre confidentiel, et sans que ce document soit livré à la publicité.

La plupart des Délégués déclarent être d'accord sur ces deux points.

M. de Martino déclare ne pas insister sur les objections qu'il a formulées à la dernière séance, et se ranger à l'avis de la majorité, d'autant plus que les Délégués du Japon ont retiré leur opposition.

Sir Francis Plunkett estime que le troisième point soulevé par le Délégué de France, c'est-à-dire la question de savoir si tous les Délégués doivent être admis à assister avec voix délibérative aux séances de la Commission, est fort important. En ce qui le concerne, il est d'avis que si, dans la pensée de la Conférence, les Règlements commerciaux sont d'un caractère trop grave pour qu'ils puissent être confiés à la Commission du tarif, ces Réglements doivent être réservés pour être discutés par la Conférence réunie en Commission générale; mais si la Conférence décide d'en laisser l'examen au soin de la Commission, celle-ci ne saurait accepter une semblable tâche qu'à la condition formelle que les observations qui pourront lui être communiquées par les Délégués lui seront transmises par écrit et non faites verbalement devant la Commission elle-même. Si chacun des Délégués était libre d'assister aux séances de la Commission suivant son bon plaisir, la composition de la Commission varierait tous les jours, et l'œuvre dont elle est chargée aurait à en souffrir sérieusement.

concerning commercial matters had also been handed over to it. These regulations were of an important nature. Not only did they constitute the essence, as it were, of the commercial portion of the Convention, but they applied a series of penalties. Under these circumstances, the Delegate of France was of opinion that each of the Delegates should have the right to take part, if he thought fit, in the sittings of the Committee with a deliberative voice.

The President observed that the first point referred to by the Delegate of France had, he understood, been already decided by the Conference.

With regard to the second point, he thought it might be settled, in accordance with the suggestion of the Delegate of France, by the tariff being communicated confidentially, but not being published.

The majority of the Delegates declared their concurrence in regard to these two points.

Mr. de Martino stated that he would not insist upon the objections which he had formulated at the last meeting and that he would accept the view of the majority, more especially since the Delegates of Japan had withdrawn their opposition.

Sir Francis Plunkett said that the third point raised by the Delegate of France was one of much importance, the question, namely, whether all the Delegates to the Conference should be allowed to have a deliberative voice in the discussions of the Tariff Committee. For his part he was of opinion that if the Conference thought that the Trade Regulations were of too important a nature to admit of their being dealt with by the Tariff Committee, these Regulations should be reserved for discussion in a general Committee of the Conference;—if, however, the Conference decided to leave them to the consideration of the Tariff Committee, in that case the Committee could only accept this duty on the understanding that the suggestions which might be communicated to it by any Delegate should be made in writing, and not verbally in the Committee itself. If each Delegate were to be free to attend the sittings of the Committee whenever he thought fit, the composition of the Committee would vary from day to day, and the work entrusted to it would be seriously impeded.

M. Sienkiewicz ne croit pas au danger résultant d'un changement dans les membres qui prendraient part aux délibérations de la Commission.

D'un autre côté, l'objection tirée de ce fait que les travaux de la Commission devront être soumis à l'appréciation de la Conférence est plus sérieuse en apparence qu'en réalité. D'une manière générale, quand une Commission a achevé l'œuvre en vue de laquelle elle avait été nommée, il est bien difficile que l'assemblée qui l'avait instituée revienne sur ce qui a été décidé par celle-ci. Or, les Règlements commerciaux renvoyés à la Commission décident de questions tout aussi graves, sinon plus graves même que celles qui sont traitées dans la Convention. Il serait donc nécessaire que chacun des Délégués pût exprimer en temps utile son avis sur ces points spéciaux.

Le Délégué de France rappelle qu'à la Conférence de Berlin concernant les affaires du Congo une proposition analogue à celle qu'il vient de formuler ayant été faite par Sir Edward Malet, avait été adoptée à l'unanimité. Il ajoute que la Conférence pourrait aussi de transformer en Commission et débattre les questions à l'étude sans qu'il soit rédigé de procès-verbaux des discussions.

Le Comte Zaluski fait les objections suivantes aux idées exprimées par M. Sienkiewicz.

"Je regrette de ne pouvoir me ranger à l'avis "de mon honorable collègue le Délégué de "France, en ce qui concerne l'admission succes- "sive de chacun des Délégués au sein de la Com- "mission élue par la Conférence. Lorsque, sur "une proposition dans laquelle je m'étais rencon- "tré avec le second Délégué d'Allemagne, la "Commission du tarif fut constituée, la tâche et "les attributions de cette Commission furent "exactement définies dans la même séance. "Quand, plus tard, par suite d'une motion du "Délégué de France, la Commission se chargea, "non pas, comme avait paru le désirer M. "Sienkiewicz, de l'examen de tous les Règle- "ments préparés par le Gouvernement japonais, "mais seulement de trois d'entre eux apparte- "nant au strict domaine des matières commer- "ciales, la Commission se déclara toute prête à "accueillir nos observations rédigées par écrit, "et à nous soumettre un rapport sur les résul-

Mr. Sienkiewicz did not think that any inconvenience would result from changes in the members who would take part in the deliberations of the Committee.

Moreover, the argument drawn from the fact that the labours of the Committee would have to be submitted for consideration to the Conference was more serious in appearance than in reality. Speaking generally, when a Committee had completed the work for which it had been appointed, it was very difficult for the assembly which had nominated it to reconsider what had been decided on its behalf. The commercial regulations which had been handed over to the Committee disposed of questions quite as important, if not more so, than those treated in the Convention; and it was, therefore, necessary that each Delegate should be able to give his opinion at the proper time on these special points.

The Delegate of France called attention to the fact that at the Berlin Conference concerning the affairs of the Congo a proposition similar to that which he had formulated had been made by Sir Edward Malet, and had been adopted unanimously. He added that the Conference could also transform itself into a Committee, and deliberate upon the questions to be considered without a *procès-verbal* being made of the discussions.

Count Zaluski made the following objections to the views expressed by Mr. Sienkiewicz:—

"I regret that I am unable to agree with my "Honorable Colleague with regard to the ad- "mission of the Delegates to the deliberations "of the Committee chosen by the Conference. "When, upon a proposal on which I concurred "with the Second Delegate for Germany, the "Tariff Committee was constituted, the work "of that Committee and its functions were "precisely defined. When subsequently, in "consequence of a proposal made by the Dele- "gate of France, the Committee undertook the "examination, not, as Mr. Sienkiewicz appeared "to wish, of all the regulations framed by the "Japanese Government, but of the three "amongst them which belonged strictly to the "domain of commercial matters, the Committee "expressed its readiness to receive our observa- "tions in writing, and to submit to us a report "of the result of its labors. We shall be able, "therefore, to control those results, and to in-

"tats de ses travaux. Nous pourrons donc "contrôler ces travaux et y apporter tels "amendements que nous jugerons utiles ou "nécessaires.

"Je ne saurais, par conséquent, approuver "l'idée de modifier la nature ou la composition "de notre Commission. Il me semble même "que toute innovation dans ce sens pour-"rait décourager les membres actuels de la "Commission, ou tout au moins entraver leurs "travaux et les prolonger outre mesure. D'ail-"leurs, je ne crois pas que nous puissions revenir "sur une décision prise d'un commun accord et "j'y verrais, en tout état de cause, de graves "inconvenients.

"Ne changeons donc rien à ce qui a été fait, "et bien fait, par nous, et laissons la Commis-"sion dans les conditions voulues pour continuer "et mener à bonne fin son œuvre déjà si labo-"rieuse."

M. Sienkiewicz répond qu'il est vrai qu'il a proposé le renvoi de tous les documents commerciaux à la Commission; mais il a eu soin, en même temps, de réclamer pour tous les Délégués le droit d'assister aux séances avec voix délibérative.

Sir Francis Plunkett dit qu'il vient de consulter ses collègues de la commission, et il doit déclarer qu'ils sont tous d'accord pour n'accepter la tâche qui leur est confiée qu'à la condition qu'il a déjà fait connaître, à savoir que les membres de la Commission du tarif auront seuls le droit de prendre part aux séances et que toutes les observations que les Délégués voudront présenter à la Commission devront être faites par écrit.

Le Délégué de la Grande-Bretagne ajoute que, tout bien considéré, il faut que la Conférence se décide pour l'un de ces deux partis: ou qu'elle laisse la Commission libre de remplir la tâche qui lui est confiée, de la manière qui lui paraîtra la plus convenable, ou que les Délégués se chargent eux-mêmes de cette tâche, la Conférence siégeant comme commission.

M. Neyt pense que la Commission doit être laissée libre de délibérer d'une manière indépendante, le résultat de ses délibérations devant naturellement être soumis à la Conférence sous la forme d'un rapport. Il partage donc les

"troduce such amendments as we may consider "useful or necessary.

"I cannot, therefore, approve the idea of "modifying the nature or the constitution of "our Committee. It appears to me that any "innovation of this kind might discourage the "present members of the Committee, or at least "interfere with their labors and prolong them "indefinitely. Besides I do not think that we "can reconsider a decision made by common "consent, and I should anticipate in any case "grave inconveniences from such a course.

"Let us then, therefore, change nothing "which has been done, and well done, by us, "and let us allow the Committee to remain in "the condition necessary for continuing and "concluding its work, which is already so "laborious."

Mr. Sienkiewicz replied that it was true that he had proposed that all the documents relating to commercial matters should be handed over to the Committee, but he had been careful at the same time to demand for all the Delegates the right of taking part in the sittings of the Committee with a deliberative voice.

Sir Francis Plunkett stated that having just consulted with his Colleagues on the Tariff Committee, he could now say that they were all agreed that they would accept the work entrusted to them only on the condition to which he had already referred, namely that only the members of the Tariff Committee should have the right of assisting at their meetings, and that such suggestions as any Delegate might wish to make to the Committee should be made in writing.

The Delegate of Great Britain added that reflection had convinced him that the Conference must make up its mind to do one of two things. Either the Conference must leave the Committee free to do the work entrusted to it in the manner it thought best, or the Delegates must undertake that work themselves in a Committee of the whole Conference.

Mr. Neyt thought that the Committee should be left free to conduct their deliberations independently:—the result of those deliberations would of course be reported to the Conference. He therefore concurred in the views expressed

vues exprimées par le Délégué de la Grande-Bretagne en sa qualité de Président de la Commission.

M. Sienkiewicz remarque qu'il ne s'agit pas seulement d'examiner les règlements au point de vue général : il importe aussi de tenir compte des intérêts particuliers de chaque pays, intérêts qui, dans bien des cas, peuvent être en opposition les uns avec les autres. Or, c'est précisément afin que ces intérêts particuliers soient sauvegardés qu'il faudrait que chaque Délégué pût veiller en personne à ceux qui lui sont confiés.

Sir Francis Plunkett dit que la Commission avait consenti à se charger de la tâche qui lui a été confiée sous l'entente qu'elle soumettrait à la Conférence un rapport exposant les résultats de ses travaux.

Le Président déclare qu'il approuve entièrement le système proposé par Sir Francis Plunkett, et d'après lequel la Commission devra recevoir les observations écrites des Délégués et soumettre à la Conférence les résultats de ses travaux. Tout autre système, à son avis, aurait pour effet d'entraver la Commission, et reviendrait presque au même que si les discussions avaient lieu en pleine Conférence. La tâche que les Délégués ont encore devant eux est considérable, et il y aura lieu sans doute de constituer plusieurs autres commissions. Il importe donc que la Commission actuelle puisse accomplir son œuvre le plus rapidement possible.

M. Sienkiewicz répète qu'il ne s'agit pas ici d'une question de personnes, mais bien d'une question de devoir à remplir. Chacun des Délégués doit avoir le droit de remplir son mandat, si ce mandat lui enjoint de veiller personnellement et directement sur les intérêts dont il a charge.

M. Hubbard fait observer que la Commission devra, dans tous les cas, soumettre à la Conférence le résultat de ses travaux. Si le rapport ne rencontre pas son approbation, il appartiendra évidemment aux Délégués soit de donner leurs instructions à la Commission, soit de compléter eux-mêmes le travail en Commission plénière.

Le Président dit qu'il apprécie entièrement les vues exprimées par le Délégué de France. Il estime toutefois qu'aucun inconvénient ne saurait résulter dans la pratique du système que l'on propose que les Délégués adoptent pour communiquer leurs observations à la Commission.

by the Delegate of Great Britain as Chairman of the Committee.

Mr. Sienkiewicz remarked that it was not merely a question of examining the regulations from a general point of view:—it was also necessary to take into consideration the particular interests of each country, which might in many cases be antagonistic. It was precisely in order to safeguard these individual interests, that it was necessary for each Delegate to personally watch over the interests confided to his charge.

Sir Francis Plunkett said that the Committee had accepted the work entrusted to it on the understanding that it should report to the Conference the results of its labors.

The President observed that he quite approved of the course proposed by Sir Francis Plunkett, namely that the Committee should receive suggestions in writing, and should submit the results of their labors to the Conference. The adoption of any other plan, he thought, would hamper the work of the Committee, and would differ little from the discussion of the questions concerned in full Conference. Much work still lay before the Delegates and several other Committees would have to be formed; it was therefore important that the work of the present Committee should be expedited as far as possible.

Mr. Sienkiewicz again observed that the question was not a personal one, but a question of duties to be fulfilled. Each of the Delegates, if commissioned to watch personally and directly over the interests in his charge, must have the right of executing that commission.

Mr. Hubbard observed that the Committee would in any case submit the results of their labors to the Conference. If the report was not approved by this Body, then of course it was the duty of the Delegates, either to instruct the Committee, or, as in a "Committee of the whole House", to complete the work themselves.

The President said that he fully appreciated the views communicated by the Delegate of France. He was of opinion, however, that practically no inconvenience would result from the course which it was proposed that the Delegates should adopt in communicating their

Le Président ajoute qu'il serait nécessaire que la Conférence se prononçât sur la question.

La grande majorité des Délégués se rallie à la proposition du Délégué de la Grande-Bretagne.

M. Sienkiewicz déclare qu'en présence des dispositions de la Conférence, dispositions si manifestement hostiles à sa proposition, il ne croit pas devoir insister davantage ; mais, tout en cédant à la majorité, il fait toutes ses réserves pour l'avenir. Ces réserves, dont la Conférence voudra bien lui donner acte, tendent spécialement à donner plus de poids aux observations qu'il pourra être amené à formuler lorsque la Commission présentera son rapport.

Le Président propose que, conformément à une proposition déjà acceptée, la Conférence s'ajourne au mardi 29 juin, à deux heures de l'après-midi.

Cette proposition est adoptée et la séance est levée à quatre heures et demie.

Signé :

SIENKIEWICZ.
R. DE MARTINO.
G. NEYT.
HOLLEBEN.
ZAPPE.
J. DELAVAT.
SPEYER.
A. WOLFF.

suggestions to the Committee.

The President added that it was desirable that the point under discussion should be settled.

The great majority of the Delegates expressed their concurrence in the proposition made by the Delegate of Great Britain.

Mr. Sienkiewicz stated that in view of the fact that the feeling of the Conference was so manifestly opposed to his proposition, he did not feel bound to insist upon it any further ;— while giving way, however, to the majority, he made all reservations for the future. These reservations, of which he begged that the Conference would take formal note, were intended specially to give more weight to the observations which he might have to make when the Committee presented its report.

The President proposed that, in accordance with the proposition previously agreed to, the Conference should adjourn until Tuesday the 29th of June at 2 o'clock in the afternon.

This proposal was adopted, and the meeting terminated at half past 4 o'clock.

Signed :

INOUYE KAORU.
AOKI.
ZALUSKI.
F. R. PLUNKETT.
RICHARD B. HUBBARD.
J. J. VAN DER POT.
J. LOUREIRO.

Certifié conforme à l'original :

SAITO SHUICHIRO.
BARON DE SIEBOLD.
D. W. STEVENS.
JOHN H. GUBBINS.
P. DE LUCY-FOSSARIEU.

Certified to be a correct copy :

Annexe au Protocole Nº 6.

Annex to Protocol Nº 6.

PROJET DE CONVENTION.

DRAFT CONVENTION.

PROJET
DE
CONVENTION.

Article I.

Le Gouvernement Impérial Japonais s'engage à ouvrir entièrement l'Empire aux étrangers dans les deux ans qui suivront la ratification du présent Traité, et à mettre à tous égards les étrangers sur le même pied que les indigènes, sauf le cas où le présent Traité ou les Conventions subséquentes qui pourront être conclues ultérieurement, en disposeraient autrement.

Les sujets ..... jouiront du droit de circuler librement dans tout l'Empire, d'y résider, de s'y livrer au commerce et à l'industrie, d'y acquérir et d'y posséder des biens meubles et immeubles.

Article II.

Le Gouvernement Impérial Japonais s'engage à établir l'organisation judiciaire de l'Empire sur les bases des principes occidentaux et des stipulations contenues au présent Traité, et à promulguer dans les délais fixés par l'Article I, les corps de lois ci-dessous spécifiés, à savoir:

1° Le Code pénal;
2° Le Code d'Instruction criminelle;
3° Le Code civil;
4° Le Code de Commerce (y compris la législation relative à la navigation, aux lettres de change et effets de commerce);
5° Le Code de Procédure civile;
6° La procédure à suivre dans les matières comprises sous le N° 4;
7° La législation sur les faillites.

De plus, les lois et règlements de Police actuellement en vigueur seront, autant que faire se pourra, recueillis et classés.

Article III.

Le Gouvernement Impérial Japonais s'engage à communiquer au Gouvernement ..... le texte authentique, en anglais, des lois fixant

DRAFT
CONVENTION.

Article I.

The Imperial Japanese Government agrees to open the whole Empire to foreigners within two years after ratification of this Treaty, and to place them on the same footing as natives in every respect, unless the present Treaty or subsequent Conventions, which may hereafter be agreed upon, should contain anything to the contrary.

..... subjects shall enjoy the right to travel freely in the Empire, to reside there, to carry on commerce and industry, and to acquire and hold real and personal property.

Article II.

The Imperial Japanese Government agrees to organize the constitution of the law courts of the Empire in accordance with Western principles and the provisions of this Convention, and to carry into effect the following codification by the time named in Article I.

These Codes are:—

1) Criminal Law.
2) Criminal Procedure.
3) Civil Law.
4) Commerce, Shipping, and the Law of Bills of Exchange.
5) Civil Procedure.
6) Precedure in the questions contained under No. 4.
7) Bankruptcy Laws.

Moreover, the Police Laws and Regulations actually in force shall be, as far as possible, collected.

Article III.

The Imperial Japanese Government agrees to remit to the .....Government the authorized text, in the English language, of the constitution

l'organisation judiciaire, ainsi que celui des corps de lois énumérés à l'Article II, six mois au plus tard avant le terme fixé par l'Article I, c'est-à-dire dans les dix-huit mois qui suivront la ratification du présent Traité.

Le Gouvernement Impérial Japonais s'engage de même à porter à la connaissance du Gouvernement ..... toutes modifications qu'il se proposerait d'apporter à ces lois ou corps de lois, six mois avant que lesdites modifications n'entrent en vigueur.

of the law courts and of the codification enumerated under Article II, not later than 6 months previous to the term fixed in Article I, namely 18 months subsequent to the ratification of the Treaty. In the same manner the Imperial Japanese Government agrees to bring to the knowledge of the ..... Government all alterations intended in these Laws 6 months before they come into force.

Article IV.

A dater de l'époque fixée dans l'Article I, le Gouvernement ..... restreindra sa juridiction consulaire aux limites conventionnelles de Tokio, de Yokohama, de Kobé, d'Osaka, de Nagasaki et de Hakodaté, et tous sujets ....., en dehors de ces limites, seront soumis à la juridiction japonaise.

Article IV.

From the time named in Article I, the ..... Government will confine their Consular Jurisdiction to the Treaty Limits of Tokio, Yokohama, Kobe, Osaka. Nagasaki and Hakodate, and all ..... subjects outside are subjected to the Japanese jurisdiction.

Article V.

A l'égard des procès civils où des sujets ....., en dehors des limites conventionnelles ci-dessus mentionnées, figureront comme demandeurs ou comme défendeurs, et à l'égard des actes délictueux dont lesdits sujets pourront être accusés, en dehors des limites conventionnelles, les stipulations spéciales ci-dessous énoncées seront appliquées.

a) Les sujets ..... jouiront du privilège de faire porter directement devant les tribunaux de seconde instance tous procès civils où ils figureront et dans lesquels le montant de la demande ou la valeur de l'objet en litige dépassera 100 yen.

b) La même règle s'appliquera aux cas où les sujets..... seront accusés d'un délit ou d'un crime.

c) Dans les cas prévus aux paragraphes *a* et *b*, le tribunal qui devra connaitre du fait sera composé en majorité de juges de nationalité étrangère.

L'introduction de toute instance civile, ou l'instruction préliminaire de toute action correctionnelle ou criminelle rentrant dans les catégories établies ci-dessus, sera placée sous la direction d'un juge de nationalité étrangère.

d) La langue officielle desdits tribunaux,

Article V.

In respect to the civil law suits in which ..... subjects outside the above named Treaty Limits take part as plaintiff or defendant, and in respect to the criminal offences with which ..... subjects outside Treaty Limits may be charged, the following special stipulations shall come into force.

a) ..... subjects shall have the privilege that their civil law suits, in which the amount involved, or the value of the object in dispute exceeds 100 yen, shall at once be brought before the Courts of Second Instance.

b) The same rule shall apply in all cases where ..... subjects are charged with a delict or crime.

c) In the cases under *a*) and *b*) the Court exercising jurisdiction shall be composed, in numerical majority, of judges of foreign nationality.

The institution of such a civil action, or the preliminary examination of such a criminal process, shall be under the direction of a judge of foreign nationality.

d) The official language of these Courts, be-

outre le japonais, sera la langue anglaise.

c) Dans le cas où l'on établirait par la suite des tribunaux assistés de jurys, les affaires dans lesquelles des sujets ..... se trouveront impliqués comme accusés, seront soumises à un jury composé en majorité d'étrangers.

f) Toutes les audiences seront publiques.

g) A chacun des tribunaux de seconde instance seront attachés des interprètes compétents.

h) Chaque fois que des sujets .... seront poursuivis pour crime ou délit, ils seront assistés d'un avocat connaissant la langue du tribunal.

i) Dans les mêmes cas, un étranger, spécialement désigné à cet effet, remplira les fonctions de Ministère public.

k) On veillera également à ce que des avocats compétents soient attachés à chaque tribunal.

l) Les questions relatives aux accusations et aux exécutions capitales seront réservées pour faire l'objet d'un arrangement particulier.

m) Des mesures spéciales seront prises en vue de la détention des prisonniers étrangers, et le détail de ces mesures sera communiqué au Gouvernement ..... en même temps les Codes mentionnés à l'Article II.

n) Toutes les décisions rendues en conformité avec les stipulations ci-dessus seront sujettes à appel devant la plus haute Cour.

o) Les stipulations relatives aux tribunaux de seconde instance s'appliqueront également à la composition de la Cour qui jugera les appels, ainsi qu'à la procédure, à la défense et à la poursuite par le Ministère public devant ladite Cour.

p) Les jugements rendus par la haute Cour seront sujets à pourvoi, dans l'intérêt de la loi, devant une Cour spéciale composée de juges tirés de la haute Cour. Les stipulations concernant les tribunaux de seconde instance et d'appel s'appliqueront également à cette Cour spéciale.

Article VI.

Le Gouvernement Impérial Japonais nommera des juges et des procureurs de nationalité étrangère, en nombre convenu à l'avance. Le Gouvernement Japonais s'engage toutefois à limiter son choix aux personnes qui, dans leur propre pays, posséderaient les qualités requises pour remplir les fonctions de juges.

sides Japanese, shall be the English language.

e) In case courts with juries are introduced, the cases where ..... subjects are prosecuted shall be conducted with a jury composed of a majority of foreigners.

f) The trial must be conducted in public.

g) In every Superior Court competent interpreters are to be provided.

h) Whenever a ..... subject is charged with a criminal offence he shall be provided with an advocate conversant with the language of the Court.

i) In such cases a foreigner appointed for this special purpose shall exercise the functions of public prosecutor.

k) Care shall also be taken that every Court shall be provided with competent advocates.

l) The subjects of capital charges and execution shall be reserved for special arrangements.

m) Special provisions for the confinement of foreign prisoners shall be made, and communicated to the .... Government at the same time as the Codes mentioned in Article II.

n) There shall be an appeal to the highest Court from all decisions given in pursuance of the above stipulations.

o) In respect to the composition of the Court (which decides upon the appeals) and as regards procedure, defence, public prosecution etc., the stipulations made for the Courts of Second Instance shall be equally applicable.

p) From the decisions of the highest Court there shall be an appeal on questions of law to a special Court composed of judges of the highest Court. The stipulations with regard to Courts of Second Instance and Appeal shall be equally applicable to this special Court.

Article VI.

The Imperial Japanese Government shall appoint judges and public prosecutors of foreign nationality to the extent that may be agreed upon. The Japanese Government, however, binds itself to make choice only of such persons as have, in their own countries, acquired the qualification for judgeship.

ARTICLE VII.

Les juges de nationalité étrangère seront engagés à terme fixe, et, pendant la durée de leur engagement, ils seront inamovibles, sauf demande émanant d'une Cour disciplinaire composée uniquement de juges de nationalité étrangère.

ARTICLE VIII.

Le système instituant des juges de nationalité étrangère, système dont les détails devront, conformément aux Articles II, III et V, être communiqués au Gouvernement ..... avec les Codes ci-dessus mentionnés, restera en vigueur pendant une période de quinze années. Toute modification apportée à ce système sera subordonnée à l'agrément préalable du Gouvernement .....

ARTICLE IX.

La juridiction consulaire ..... continuera à fonctionner pendant une période de trois ans à dater du jour où le présent Traité entrera en vigueur; toutefois les tribunaux consulaires ..... devront, pendant ce délai, appliquer les règlements de Police et d'Administration japonais qui auront été déterminés à l'avance d'un commun accord.

ARTICLE X.

Les tribunaux consulaires ..... continueront, en ce qui concerne les sujets ....., à connaitre des questions touchant au statut personnel.

ARTICLE XI.

Au cas où des sujets ..... désireraient profiter des droits qui leur sont accordés par le présent Traité, avant même que ledit Traité n'entre en vigueur, il leur sera loisible de le faire à la condition pour eux de se soumettre à la juridiction civile japonaise.

ARTICLE VII.

Judges of foreign nationality shall be engaged for a fixed time, and shall be, during that time, irremovable, except upon the demand of a Disciplinary Court composed entirely of judges of foreign nationality.

ARTICLE VIII.

The system of judges of foreign nationality, the stipulations of which are, according to Articles II, III and V, to be communicated to the ..... Government with the Codes mentioned above, shall remain in force for a period of 15 years. Every previous alteration of this system is dependent on the consent of the .... Government.

ARTICLE IX.

The ..... Consular Jurisdictiction shall still remain in force for the period of 3 years from the time that this agreement enters into operation, but such Japanese Police and Administrative Laws, as shall have been agreed upon, shall in the meantime be enforced by the ..... Consular Courts.

ARTICLE X.

The ..... Consular Courts shall remain competent for ..... subjects in questions of personal status.

ARTICLE XI.

In case ..... subjects should desire to make use of the rights granted by this Convention even before the same enters into operation, they may do so, provided they submit themselves to Japanese Civil Jurisdiction.

ARTICLE XII.

Le présent Traité demeurera en vigueur pendant une période de dix-sept années à dater du jour de sa ratification, et, en ce qui concerne sa dénonciation, il sera régi par l'Article ..... de la Convention commerciale de ce jour.

ARTICLE XII.

This Convention shall remain in force for 17 years from the date of its ratification, and, with reference to its denunciation, shall be governed by Article ..... of the Commercial Convention of this date.

PROTOCOLE Nº 7.

PROTOCOL Nº 7.

SÉANCE DU 29 JUIN 1886.

MEETING OF THE 29TH JUNE, 1886.

PROTOCOLE Nº 7.

SÉANCE DU 29 JUIN 1886.

La Conférence s'est réunie à 2 heures de l'après-midi, sous la présidence du Comte Inouyé.

Etaient présents:

Pour le Japon:
Le Comte Inouyé et M. Aoki;

Pour la France:
M. Sienkiewicz;

Pour l'Autriche-Hongrie:
Le Comte Charles Zaluski;

Pour la Grande-Bretagne:
Sir Francis R. Plunkett;

Pour l'Italie:
M. de Martino;

Pour la Belgique:
M. Neyt;

Pour l'Allemagne:
M. von Holleben et M. Zappe;

Pour les Pays-Bas, pour la Suède et la Norvège, et pour le Danemark:
M. van der Pot;

Pour l'Espagne:
M. Delavat;

Pour le Portugal:
M. Loureiro;

Pour la Russie:
M. de Speyer;

Pour la Confédération suisse:
M. von Holleben et M. Wolff.

Le Président propose qu'il soit procédé à la signature du protocole de la dernière séance et demande si auparavant les Délégués ont quelques observations à faire.

Aucun Délégué n'ayant d'observations à formuler, il est procédé à la signature du protocole Nº 6.

Le Président fait connaître que les pleins pouvoirs des Délégués d'Espagne et des Etats-Unis ont été reçus par lui et déposés au Secrétariat.

M. Sienkiewicz donne lecture de la déclaration suivante:

"Un malentendu s'est produit à notre dernière "réunion: l'insistance avec laquelle j'ai cru

PROTOCOL Nº 7.

MEETING OF THE 29TH JUNE, 1886.

The Conference met at 2 o'clock in the afternoon, under the presidency of Count Inouye.

There were present:

For Japan:
Count Inouye and Mr. Aoki;

For France:
Mr. Sienkiewicz;

For Austria-Hungary:
Count Charles Zaluski;

For Great Britain:
Sir Francis R. Plunkett;

For Italy:
Mr. de Martino;

For Belgium:
Mr. Neyt;

For Germany:
Mr. von Holleben and Mr. Zappe;

For the Netherlands, for Sweden and Norway, and for Denmark:
Mr. van der Pot;

For Spain:
Mr. Delavat;

For Portugal:
Mr. Loureiro;

For Russia:
Mr. de Speyer;

For the Swiss Confederation:
Mr. von Holleben and Mr. Wolff.

The President proposed that the Protocol of the previous meeting should be signed, and enquired whether, before doing so, any Delegate had any observations to make.

None of the Delegates having any remarks to offer on this subject, Protocol No. 6 was signed.

The President announced that the Full Powers of the Delegates of Spain and of the United States had been received and deposited with the Secretariat.

Mr. Sienkiewicz read the following declaration:—

"A misunderstanding arose at our last meet-"ing. The persistence with which I thought

"devoir engager Son Excellence le Ministre des "Affaires Etrangères à adopter comme sienne la "proposition formulée par MM. les Délégués "d'Angleterre et d'Allemagne, a été l'objet "d'interprétations peu bienveillantes.

"J'ose espérer que mes collègues se rendent "mieux compte aujourd'hui de l'intention qui "me guidait et qu'ils reconnaissent que, pour "être devenue japonaise, la proposition dont il "s'agit n'a rien perdu de sa valeur.

"Cependant, comme il peut se faire qu'on me "prête encore une hostilité plus ou moins "déguisée contre le nouveau projet ou qu'on me "croie, tout au moins, animé de ce mécontente- "ment d'ordre particulier qu'éprouvent généra- "lement ceux qui se voient devancés par des "concurrents plus actifs, je ne puis me dispenser "de répondre à cette double accusation.

"Aujourd'hui, il n'est personne dans cette "assemblée qui ne repousse avec empressement "le projet de réforme judiciaire, hier encore "officiel, que vient de remplacer un projet "nouveau.—Mais il n'en a pas toujours été "ainsi. Le 29 juillet 1884,—je précise la date,— "les bases du projet de réforme judiciaire que "nous rejetons ayant été soumises à un examen "préalable, je fus seul à soutenir cette opinion "qu'elles étaient défectueuses et ne pourraient "jamais servir à supporter un système quelcon- "que.—La majorité se prononça dans un sens "absolument contraire, et, durant deux ans, on "se livra à des essais de réforme judiciaire "qu'il est désormais inutile de chercher à "caractériser. D'où il résulte que les majorités "n'ont pas toujours nécessairement raison, et que "j'ai quelque droit à ne pas être accusé de "regretter le projet de juridiction abandonné.

"Cependant, l'œuvre de la révision ne faisant "pas de progrès, je pris la liberté, au mois de "janvier dernier, de soumettre à l'appréciation "de Son Excellence le Ministre des Affaires "Etrangères une combinaison nouvelle.—Il "s'agissait de séparer les deux ordres de ques- "tions et de faire deux conventions: la première "eût visé plus spécialement les questions com- "merciales, la seconde aurait été consacrée à "régler la réforme judiciaire dans des conditions "telles qu'elle pût avoir pour corollaire l'ouver- "ture complète du Japon. Un lien intime eût

"fit to urge His Excellency the Minister of "Foreign Affairs to adopt as his own the pro- "posal brought forward by the Delegates of "Great Britain and Germany, has been un- "favorably construed.

"I trust my Colleagues have formed by this "time a more correct appreciation of the motives "which guided me, and that they admit that "the proposal in question has lost nothing in "value through having become a Japanese one.

"Nevertheless, as it is possible that a hostile "feeling, more or less disguised, with regard to "the new project may still be imputed to me, "or that I may at least be thought to be influ- "enced by the peculiar dissatisfaction which is "generally experienced by those who find "themselves anticipated by more active com- "petitors, I consider myself as bound to answer "this double charge.

"There is no one to-day in this assembly who "does not eagerly reject the project for revision "of the jurisdictional system which, although "quite recently still official, has just been re- "placed by a new one. Such, however, has not "always been the case. On the 29th of July "1884,—I wish to specify the date precisely,— "the basis of the draft of jurisdictional revision, "which we now reject, having been submitted "to a preliminary examination, I was alone in "maintaining that this basis was defective, and "that it could never serve as the foundation of "any system whatever. The majority of those "present at the meeting adopted an exactly "opposite view, and during two years attempts "at jurisdictional revision were made, the "nature of which it is now useless to try to "characterize. This proves that majorities are "not necessarily always in the right, and that "I have some right not to be accused of regret- "ting the jurisdictional scheme now abandoned.

"The work of revision making however no "progress, I took the liberty, in the month of "January last, to submit to the consideration "of His Excellency the Minister of Foreign "Affairs a new arrangement, under which it "was intended to separate the two kinds of "questions and to frame two Conventions. The "first of these would have dealt more especially "with commercial matters, whilst the second "would have had for its object the settlement "of jurisdictional revision under such condi- "tions as might have led, as an additional re-

"été établi entre les deux conventions par un "article inséré dans celle relative au commerce. "Je pensais, d'ailleurs, après le peu de succès de "ma première tentative, que, pour avoir quelque "chance de réussite, la proposition que je viens "d'exposer devait émaner de l'initiative exclu- "sive du Gouvernement japonais.

"Son Excellence le Comte Inouyé se rappel- "lera sans doute qu'après avoir accueilli "favorablement mes suggestions, il m'opposa "finalement une objection grave à ce point que "je crus que de longtemps on ne pourrait "aborder des questions de la nature de celles "qui sont actuellement à l'ordre du jour.

"Depuis ce moment, j'ai renoncé à chercher "une solution immédiate à la question de la "juridiction, attendant que la force des choses "rendit inévitable ce que de simples arguments "avaient été impuissants à amener.—Et, dès "lors, il est bien établi que je n'avais point, "comme on l'a cru, l'intention de rompre par "une proposition intempestive l'ordre des ma- "tières tel qu'il avait été arrêté pour nos "délibérations par le Ministre des Affaires "Etrangères.—Voilà pour le passé.

"Quant à la proposition faite par MM. les "Délégués d'Angleterre et d'Allemagne, j'ai "voulu m'en rendre un compte exact avant que "de l'approuver ou de la critiquer.—De là "l'attitude réservée que j'ai gardée à la dernière "séance.

"Cependant, après avoir lu et relu le texte "qui nous a été communiqué, je ne puis en "parler même aujourd'hui sans une certaine "circonspection.—C'est qu'à mon sens, un projet "de loi ou de convention, pour qu'on puisse "l'apprécier en connaissance de cause, ne doit "rien laisser dans le vague.—Or, MM. les "Délégués d'Angleterre et d'Allemagne quali- "fient eux-mêmes leur projet de "simple ébau- "che" et, mieux que personne, ils savent en "quoi il laisse à désirer.

"Je reconnais volontiers, toutefois, que le "nouveau projet part d'un principe vrai et que, "dûment modifié et complété, il nous mènera au "but que tous nous avons tous la ferme volonté "d'atteindre. Aussi serai-je heureux d'apporter, "dès que j'y serai autorisé, le concours le plus "dévoué à l'édification d'une œuvre qui peut

"sult, to the opening of the whole Empire. "An intimate connection would have been "established between both those Conventions "by means of a clause inserted in the one rela- "ting to commercial matters. I was moreover "of opinion, after the failure of my former "attempt, that, to have any chance of being "accepted, the proposal which I now mention "should emanate solely from the initiative of "the Japanese Government.

"His Excellency Count Inouye will no doubt "recollect that after having at first favorably "received my suggestions, he finally brought "forward an objection of so serious a character "that I was led to believe that no questions of "a nature such as those now under discussion "could for a long time hence be approached.

"From that moment I gave up seeking an "immediate solution of the jurisdictional prob- "lem, waiting until the mere force of circum- "stances should render unavoidable what argu- "ment alone had failed to bring about. It is "therefore a well established fact that I had "no intention, as has been thought, of breaking "by an untimely proposition the order of dis- "cussion fixed for our deliberations by the "Minister of Foreign Affairs. So much for the "past.

"With regard to the proposal made by the "Delegates of Great Britain and Germany, I "wished to acquire a thorough knowledge of it "before I approved of, or criticised it. Hence "the guarded attitude I maintained at the last "meeting.

"Still, after having read and re-read the text "which has been communicated to us, I cannot "speak of it, even to-day, without some cir- "cumspection. The reason of this is that, in "my opinion, any draft of a law or convention, "if a full and thorough opinion is to be formed "of it, ought to leave nothing undefined. Now, "the Delegates of Great Britain and Germany "themselves term their project only a "rough "draft," and they know better than any one "else in what respects it is incomplete.

"I readily acknowledge, nevertheless, that "the new project starts from a correct principle, "and that, duly modified and completed, it will "lead to the object we all have the firm desire "to reach. I shall also be happy to offer, as "soon as I am authorized to do so, my hearty "cöoperation in the achivement of a work

"marquer dans l'histoire du Japon comme le "commencement d'une ère nouvelle.

"Je dois rappeler, en terminant, que les "pouvoirs et les instructions que j'ai reçus ne "visant que les questions exposées dans le "mémorandum japonais de 1884, j'ai été obligé, "en présence d'une situation nouvelle, de "solliciter de mon Gouvernement des instruc- "tions et des pouvoirs nouveaux."

M. van der Pot prononce le discours suivant:

"La veille de notre dernière réunion, le "premier Délégué d'Allemagne a bien voulu "me faire part de la proposition relative à la "juridiction qui devait être soumise à la Confé- "rence et me donner lecture du projet de "Convention, amabilité que j'ai hautement "appréciée. Lorsque M. von Holleben me "demanda mon opinion sur le projet, j'ai pu lui "répondre que la proposition me semblait "présenter beaucoup d'analogie avec celle "qu'avait faite Son Excellence le Comte Inouyé "en 1882;—que j'avais déjà, dans mon rapport "sur les travaux de la précédente Conférence, "recommandé ce projet à l'acceptation des "Gouvernements que j'ai l'honneur de représen- "ter, et que j'étais par conséquent très-partisan "de l'adoption de la proposition.

"Je me permettrai de faire remarquer qu'à "l'époque où je rédigeai ce rapport, le Gouverne- "ment japonais avait proposé de régler en pre- "mier lieu la convention commerciale, et les "réponses que je reçus de mes Gouvernements "se trouvèrent dès lors naturellement avoir "plus spécialement trait aux questions commer- "ciales et ne point se référer encore au projet "de réforme judiciaire. Aussi, lorsque je me "déclare hautement en faveur des mesures pro- "posées et de la suppression de toutes les bar- "rières qui entravent encore les libres relations "entre Japonais et étrangers, je tiens à ce qu'il "soit bien entendu que c'est mon opinion per- "sonnelle que j'exprime, et que je dois réserver "la décision de mes Gouvernements sur la "question.

"A la séance du 15 de ce mois, j'ai prêté une "oreille attentive à la seconde lecture du projet "de Convention, non moins qu'aux importantes "remarques dont les Délégués d'Angleterre et "d'Allemagne ont accompagné l'introduction "de la proposition devant la Conférence.

"En ce qui concerne les grandes lignes de

"which may figure in the history of Japan as "the beginning of a new era.

"I must, before I conclude, recall the fact "that as the powers and instructions with which "I am furnished refer only to the questions "contained in the Japanese Memorandum of "1884, I have been obliged, in consequence of "the new situation which has been developed, "to apply to my Government for fresh instruc- "tions and powers."

Mr. van der Pot made the following speech :—

"On the day previous to our last meeting the "First Delegate of Germany had the kindness "to inform me of the proposal with reference "to jurisdiction which it was intended to lay "before the Conference, and to read the Draft "Convention to me, which kindness I have "highly appreciated. When Mr. von Holleben "asked my opinion about the Draft, I was able "to reply that the proposal seemed to me very "similar to the one made by His Excellency "Count Inouye in 1882; that I had in my "report on the work of the former Conference "already recommended that project for accep- "tance by the Governments which I have the "honor to represent, and that I was consequent- "ly strongly in favor of the adoption of the "proposal.

"I beg leave to observe that when I drew up "this report the Imperial Japanese Government "had proposed to settle the Commercial Conven- "tion first of all, and as a matter of course the "replies I received from my Governments refer- "red more especially to commercial questions "and did not touch on the scheme of jurisdiction "as yet. When I therefore express myself as "being highly in favor of the measures proposed, "and in favor of the abolition of all barriers "still hampering the free intercourse between "Japanese and foreigners, I wish it to be "distinctly understood that such is my personal "opinion, and that I must reserve the decision "of my Governments in the matter.

"At the meeting of the 15th instant I listened "with much interest to the second reading of "the Draft Convention, and with no less atten- "tion to the highly important remarks with "which the British and German Delegates in- "troduced the proposal to the Conference.

"With reference to the general outline of the

"de ce projet, je me permettrai de faire remar-
"quer que les propositions du Gouvernement
"japonais en matière de juridiction faites en
"1882 avaient pour corollaires plusieurs con-
"cessions plus ou moins importantes faites aux
"étrangers, et je serais heureux de savoir si la
"Convention actuelle sera également accompa-
"gnée de concessions analogues. Je prendrai la
"liberté de rappeler aux Délégués du Japon
"qu'en 1882 le Gouvernement Impérial était
"prêt et disposé à accorder aux étrangers, en
"échange de l'abandon de l'exterritorialité par
"les Puissances signataires, les faveurs et privi-
"lèges que je vais brièvement énumérer :

"1° le droit pour les étrangers propriétaires
"d'immeubles de participer à l'administration
"des affaires municipales de la Concession où ils
"résident ;

"2° l'entier affranchissement pour les juges de
"nationalité étrangère, de toute ingérence du pou-
"voir exécutif et leur indépendance personnelle ;

"3° le droit accordé aux autorités de la na-
"tionalité d'un accusé de désigner elles-mêmes
"un conseil pour la défense ;

"4° le privilège d'un traitement spécial pour
"les détenus étrangers et la faculté pour eux de
"subir leur peine dans les prisons consulaires
"des ports actuellement ouverts.

"Je ne doute pas que mes honorables collè-
"gues ne soient d'accord avec moi pour penser
"qu'il est pour nous d'une grande importance
"de savoir si nous pouvons compter de la part
"du Gouvernement japonais sur une libéralité
"égale à celle dont les Représentants étrangers
"ont fait preuve en proposant d'abolir l'exter-
"ritorialité.

"En terminant, je me permettrai de faire
"une suggestion dont je remets à la Conférence
"le soin d'apprécier la valeur.

"Si le projet de Convention se trouve accepté
"par toutes les Puissances, nous allons avoir
"dans deux ans un Code Pénal et un Code d'Ins-
"truction criminelle basés sur les lois fran-
"çaises, un Code Commercial et peut-être un
"Code Civil et un Code de Procédure civile ré-
"digés d'après les principes allemands, une "loi
"d'évidence" et peut-être d'autres lois encore
"analogues à celles qui sont en vigueur en Angle-
"terre, et toutes ces lois différentes devront être
"appliquées par les mêmes juges, tous de diffé-
"rentes nationalités. Ne serait-il pas fort utile
"que quelques juges étrangers au moins fussent

"Draft, I would beg leave to observe that the
"proposals of the Japanese Government regard-
"ing jurisdiction made in 1882 were accom-
"panied by several more or less important
"concessions to aliens, and I would be happy to
"know whether the present Convention is likely
"to be accompanied by similar concessions. I
"would respectfully submit to the Delegates
"of Japan that in 1882 the Imperial Govern-
"ment was prepared and willing to grant to
"foreigners in return for the surrender of ex-
"territoriality by the Treaty Powers, the favors
"and privileges which I may briefly enumerate.

"1. The right of foreigners holding real
"property to have a voice in the management
"of the municipal affairs in the Settlements
"where they reside;

"2. The entire freedom of judges of foreign
"nationality from any executive interference,
"and their personal independence;

"3. The right accorded to the authorities of
"the nationality of an accused person to select
"counsel for the defence;

"4. The privilege of exceptional treatment of
"foreign prisoners, and permission for them to
"serve their sentences in the Consular jails of the
"present open ports.

"I trust that my Honorable Colleagues will
"agree with me that it is highly important for
"us to know whether we can count upon a
"liberality on the part of the Imperial Govern-
"ment similar to that which the foreign repre-
"sentatives have shown in proposing the aboli-
"tion of extraterritoriality.

"In conclusion, I would venture to make a
"suggestion, the value of which I leave to the
"estimation of the Conference.

"If the Convention is accepted by all the
"Powers, we are going to have within two years
"a Penal Code and Code of Criminal Procedure
"based on French law; a Commercial Code and
"perhaps a Civil Code and Code of Civil Proce-
"dure framed according to German principles,
"and a Law of Evidence, and perhaps some other
"laws, similar to those in force in England, and
"all these different laws will have to be applied
"by the same judges of different nationalities.
"Would it not be highly advisable if at least
"some of the foreign judges were appointed in
"time to sit here in commission, and examine

"nommés à temps pour pouvoir se constituer "ici en comité et pour examiner, avant leur "promulgation, ces lois qu'ils auront à appli- "quer, de façon à ce qu'ils puissent se familiari- "ser d'avance avec elles et se mettre en garde "contre les contradictions qu'elles pourraient "présenter? Je laisse le soin de décider de la "question à ceux de mes honorables collègues "qui possèdent une connaissance du droit plus "approfondie que la mienne, et je me borne à "soumettre l'idée à l'appréciation de la Confé- "rence."

M. Neyt annonce qu'il a reçu de son Gouvernement, par le télégraphe, l'autorisation d'accepter comme base de négociations les propositions relatives à la juridiction faites par les Délégués de Grande-Bretagne et d'Allemagne, et adoptées par le Gouvernement japonais. Les points principaux de ces propositions sont, semble-t-il, l'ouverture du pays, l'établissement de tribunaux avec l'adjonction de juges étrangers, et l'abolition, à une époque à déterminer, de la juridiction consulaire. Il est bien entendu, d'ailleurs, qu'il n'accepte ces propositions qu'en principe et qu'il se réserve le droit d'y introduire par la suite, d'accord avec ses collègues de la Conférence, telles modifications et améliorations qui pourront sembler désirables.

M. de Speyer déclare avoir reçu de son Gouvernement, par le télégraphe, l'autorisation d'adhérer au principe de la proposition faite à la dernière séance par les Délégués de Grande-Bretagne et d'Allemagne, et acceptée par le Gouvernement japonais.

Sir Francis Plunkett annonce qu'il vient de recevoir de son honorable collègue le Délégué des Etats-Unis un message par lequel M. Hubbard l'informe que l'état de sa santé ne lui permet pas d'assister à la séance, et le prie de vouloir bien donner lecture d'une lettre où il explique son absence et où il parle d'un discours qu'il se proposait de prononcer au sujet des propositions relatives à la juridiction qui ont été soumises à la Conférence à la dernière séance.

Sir Francis Plunkett ajoute qu'il sera heureux de lire la lettre de M. Hubbard si la Conférence y consent.

La Conférence ayant témoigné son assentiment, le Délégué de la Grande-Bretagne donne lecture de la lettre suivante:

"these laws which they will have to enforce, "before their promulgation, so as to be "thoroughly acquainted with them and to "guard against the possibility of their being "contradictory. I leave the task of deciding "this question to those of my Honorable "Colleagues who are more versed in law than "myself, and only beg to offer this suggestion "to the Conference."

Mr. Neyt stated that he had received by telegraph authority from his Government to accept as a basis for negotiations the jurisdictional proposals made by the Delegates of Great Britain and Germany, and adopted by the Japanese Government. The main features of these proposals, were, as it appeared, the opening of the country; the establishment of courts with foreign judges; and the abolition of Consular Jurisdiction at a date to be decided. It was of course understood that he accepted these proposals only in principle, and reserved to himself the right to introduce later on, in concert with his Colleagues in the Conference, such modifications and improvements as might be considered desirable.

Mr. de Speyer announced that he had received from his Government, by telegraph, authority to agree in principle to the proposal made at the last meeting by the Delegates of Great Britain and Germany, and accepted by the Japanese Government.

Sir Francis Plunkett stated that he had received a message from his Honorable Colleague, the Delegate of the United States, informing him that illness prevented his attendance on the present occasion, and requesting him to read a letter explaining his absence and referring to a speech which Mr. Hubbard had proposed to deliver in regard to the jurisdictional proposals which had been submitted to the Conference at its last meeting.

Sir Francis Plunkett said he would be happy to read Mr. Hubbard's letter, with the permission of the Conference.

The Conference having given its consent, the British Delegate read the following letter:—

"Légation des Etats-Unis
"Tokio (Japon), le 29 Juin 1886.

"Monsieur le Président, Messieurs mes Col-
"lègues de la Conférence,

"J'ai le regret de vous annoncer que, vu l'état
"de ma santé qui me retient chez moi, il me
"sera malheureusement impossible de me join-
"dre à vous aujourd'hui. L'importance de cette
"séance, où la Conférence va se prononcer for-
"mellement sur le projet de Convention révisée
"qui a été accepté par les Délégués du Japon
"aux lieu et place du projet naguère encore à
"l'ordre du jour, me fait déplorer plus vivement
"qu'en des circonstances ordinaires mon absence
"forcée.

"Désireux en tout temps d'activer plutôt
"que de retarder les travaux de la Conférence,
"j'ai prié mon collègue Sir Francis Plunkett,
"Délégué de la Grande-Bretagne, de me re-
"présenter et de représenter mon Gouverne-
"ment dans deux questions qui peuvent se
"trouver soulevées, et de voter pour moi comme
"je le ferais moi-même si j'étais présent.

"1°.—Le Gouvernement des Etats-Unis, par
"l'entremise de son Délégué, se déclare en fa-
"veur du projet officiellement présenté à la
"dernière séance par les Délégués de Grande-
"Bretagne et d'Allemagne, ce projet constituant
"à tous égards, à ses yeux, une solution juste et
"équitable de la question de la révision en ce
"qui concerne la juridiction. Ledit projet of-
"frant une base solide pour les conventions à
"intervenir, j'autorise mon collègue de Grande-
"Bretagne, et je l'en prie, à l'accepter en mon
"nom *ad referendum*.

2°—J'autorise également mon collègue à se
"joindre en mon nom à mes collègues pour
"soutenir toute motion tendant à proroger la
"Conférence jusqu'au 1er octobre prochain, date
"à laquelle, ayant eu le temps de recevoir les
"réponses de nos Gouvernements respectifs, et
"les chaleurs de l'été (avec l'apparition possible
"d'épidémies dans la Capitale), étant passées,
"nous pourrons reprendre l'œuvre de la Révision
"avec la ferme résolution de la mener à bonne
"fin avant de nous séparer définitivement.

"3°—J'aurais en dernier lieu à solliciter une
"faveur de la Conférence.—Empêché d'assister
"aujourd'hui à la réunion, je ne pourrai, comme
"j'ai donné à entendre que c'était mon désir et
"celui de mon Gouvernement, exposer en
"personne, d'une manière sommaire, les motifs

"United States Legation
"Tokio Japan. June 29, 1886.

"Mr. President and Fellow Delegates:—

"In consequence of illness, confining me to
"my room, I deeply regret to say that it will be
"impossible for me to attend the Conference to-
"day. The importance of this session, in which
"the Conference will take formal action upon
"the new project for a "Revised Convention"
"(which has been accepted by the Delegates of
"Japan as a substitute for the project lately be-
"fore the Conference), renders my unavoidable
"absence to-day more to be deplored by myself
"than it would be under ordinary circumstances.

"Desiring at all times to advance, rather than
"retard the action of the Conference, I have
"requested my Colleague Sir Francis Plunkett,
"the British Delegate, to represent myself and
"my Government upon two questions which
"may arise, and to cast my vote as I would do
"myself if I were present.

"1st The United States, by their Delegate,
"favor the project formally presented by the
"British and German Delegates at our last
"session, as in all respects a fair and equitable
"solution of treaty revision in matters relating
"to jurisdiction. This project being a firm
"foundation on which to base future Conven-
"tions, my Colleague of Great Britain is
"authorized and requested to represent me as
"accepting it *ad referendum*.

"2nd I also authorize and request Sir Francis
"Plunkett to represent me as uniting with my
"Colleagues in support of a motion to adjourn
"the Conference until the 1st of October
"next,—at which time, having heard from our
"respective Governments, and the heated sum-
"mer (with the possibilities of epidemics visiting
"the Capital) having passed, we may re-enter
"upon the work of treaty revision, with the
"fixed purpose of successfully completing it
"before our final adjournment.

"3rd I desire to ask one favor of the Con-
"ference. Not being able to be present to-day,
"I cannot, on this occasion, as I intimated would
"be my own desire and the wish of my Govern-
"ment, briefly state in person my reasons for the
"vote which I have authorized my British

"du vote que j'ai autorisé mon collègue d'Angle-
"terre à déposer pour moi. J'aurais voulu
"envoyer immédiatement le texte manuscrit
"des remarques que je me proposais de faire;
"mais l'état de ma santé et la maladie sérieuse
"d'un membre de ma famille ne m'ont pas
"permis d'achever la rédaction de ce manuscrit.
"Je demande donc que la Conférence veuille
"bien me permettre (comme cela se fait souvent
"au Congrès ou dans les Parlements) de trans-
"mettre mes observations au Secrétariat afin
"qu'elles figurent, accompagnées de cette expli-
"cation, dans le texte imprimé du protocole de
"la séance de ce jour.

"J'oserai réclamer également l'insertion au
"protocole de la présente note.

"En félicitant mes Collègues de l'heureux
"augure qui nous promet la bonne entente et
"l'harmonie dans nos réunions à venir,

"J'ai l'honneur d'être, avec un profond res-
"pect,

"Votre très-obéissant serviteur.

(Signé:) "Richard B. Hubbard."

M. de Martino pense que la première question qui s'impose à l'examen de la Conférence est la demande faite par le Délégué des Etats-Unis et tendant à ce que son discours, bien que n'ayant pas été prononcé, figure au protocole de la présente séance. La question se réduit donc à ceci: un discours non prononcé en séance peut-il figurer au protocole?

M. Sienkiewicz fait observer qu'il importe que le Président précise nettement la question qu'il devra poser sur ce point à la Conférence.

Après une discussion d'où il semble résulter que le sentiment général est opposé à l'insertion au protocole d'un discours non prononcé en séance,

Le Président déclare prendre acte de l'adhésion *ad referendum* donnée par le Délégué des Etats-Unis au nouveau projet présenté par les Délégués de Grande-Bretagne et d'Allemagne et accepté par le Gouvernement japonais. Quant à la demande formulée par M. Hubbard et tendant à ce qu'il soit autorisé à transmettre ultérieurement au Secrétariat, pour être inséré au Protocole de la présente séance, le discours qu'il se proposait de prononcer, il ne croit pas qu'on puisse y faire droit, car le discours ainsi

"Colleagne to cast in my name. I would at
"this time send the manuscript of my intended
"remarks, but owing to my own indisposition,
"and the serious illness of a member of my
"family, it has been impossible to complete it.
"Therefore I request that the Conference will
"allow me (as is often done in similar cases in
"Congressional and Parliamentary debates) to
"hand in my remarks to the Bureau du Proto-
"col, to appear in print in the Protocol of this
"session with this explanation.

"I respectfully ask that this note may also
"appear in the official record of the Protocol.

"Congratulating my Colleagues on the aus-
"picious omens now promising harmony in our
"future Councils,

"I have the honor to be, with highest consi-
"deration,

"Your obedient servant"

(Signed:) "Richard B. Hubbard.

Mr. de Martino thought that the first question for the Conference to consider was the request of the United States Delegate that his speech, although not delivered, should be inserted in the Protocol of the present meeting. The question, reduced itself to this:—could a speech not delivered at a meeting of the Conference be inserted in the Protocols?

Mr. Sienkiewicz observed that it was important that the President should clearly define the question which he would have to put to the Conference in regard to this point.

After some further discussion, in the course of which it appeared that the general feeling of the Delegates was averse to the insertion in the Protocols of a speech which had not been delivered at a meeting of the Conference,

The President took formal note of the approval *ad referendum* by the Delegate of the United States of the new project presented by the Delegates of Great Britain and Germany, and accepted by the Japanese Government. With regard to the request of Mr. Hubbard, that he should be authorized to transmit later on to the Secretariat, for insertion in the Protocol of the present meeting, the speech which he had intended to deliver, the President did not think that it could be complied with, because the

inséré donnerait peut-être lieu à des répliques qui ne pourraient figurer au même protocole.— Il est d'avis en conséquence que le Délégué des Etats-Unis réserve pour la prochaine séance les observations qu'il a à formuler.

La Conférence se range à l'avis du Président.

M. de Martino donne lecture de la proposition suivante:

"Monsieur le Président,

"Personne ne voudra refuser à la Commission "que nous avons choisie, et qui a toute notre "confiance, le temps qui est nécessaire à ses "travaux et à la préparation du rapport qu'elle "nous a promis.

"Quant aux matières juridictionnelles com- "prises désormais dans le nouveau projet de "Convention, plusieurs de nos collègues, tout "en proclamant leur adhésion personnelle, ont "aussi déclaré devoir en référer à leurs Gou- "vernements pour recevoir de nouvelles instruc- "tions.

"Dans cet état de choses, j'espère que la "Conférence voudra bien adopter la proposition "que j'ai l'honneur de lui soumettre et à "laquelle notre honorable collègue des Etats- "Unis fait allusion dans la lettre dont le "Délégué de la Grande-Bretagne vient de nous "donner lecture, à savoir que la Conférence se "proroge jusqu'au mois d'octobre prochain.

"Je ne vois pas d'utilité à continuer nos "séances tandis qu'une partie de nos travaux "doit forcément attendre des éléments qui ne "peuvent lui être encore fournis, et que, pour "l'autre partie, plusieurs Délégués affirment "n'être pas en mesure de parler au nom de leurs "Gouvernements."

Le Président déclare approuver les idées émises par le Délégué d'Italie, et propose que la Conférence s'ajourne au mardi 5 octobre prochain.

M. van der Pot propose, au cas où la Conférence déciderait de s'ajourner au mois d'octobre, que les Règlements de Droits de Tonnage et de Phares soient renvoyés à une commission.

M. de Martino est opposé à ce projet. Il est d'avis que les matières commerciales ne doivent pas être séparées et que, si l'on renvoie à une commission les Règlements de Droits de Tonnage et de Phares, ce soit à la Commission déjà

speech, if thus inserted, might give rise to replies which could not appear in the same Protocol. He was, therefore, of opinion that the Delegate of the United States should reserve the observations which he had to make until the next meeting.

The Conference adopted the view of the President.

Mr. de Martino read the following proposition:—

"Mr. President,

"Nobody would desire to refuse to grant to "the Committee which we have chosen, and "which has our entire confidence, the time "necessary for its labors and for the preparation "of the report which it has promised to give us.

"With regard to the jurisdictional questions "comprised in the new Draft Convention, "several of our Colleagues, whilst stating their "personal approval of the scheme, have also "announced the necessity of referring it to their "Governments in order that they may receive "fresh instructions.

"Under these circumstances I trust that the "Conference will see fit to adopt the proposi- "tion which I have the honor to submit, and "to which our Honorable Colleague of the "United States refers in the letter which the "Delegate of Great Britain has read to us, that "is to say, that the Conference be prorogued "until the month of October next.

"I do not see the utility of continuing our "sittings so long as a part of our work must "necessarily be dependent upon elements with "which it is not yet provided; and so long as, "on the other hand, several Delegates have "stated that they are not in a position to speak "in the name of their Governments."

The President stated that he concurred in the views expressed by the Delegate of Italy, and he therefore proposed that the Conference should adjourn until Tuesday the 5th of October next.

Mr. van der Pot suggested that in case the Conference decided to adjourn until October the regulations concerning tonnage and light dues should be entrusted to a Committee.

Mr. de Martino objected to this proposal. He was of opinion that the commercial matters should not be separated, and that if the regulations concerning tonnage and light dues were to be handed over to a Committee, they should

chargée du Tarif et des autres questions commerciales.

Le Comte Zaluski appuie la proposition de M. van der Pot.

Sir Francis Plunkett et M. Zappe declarent que la tâche actuelle de la Commission est déjà trop lourde pour qu'elle puisse entreprendre encore de nouveaux travaux.

M. de Martino répond qu'il comprend que les membres de la Commission puissent à bon droit considérer comme suffisante pour le présent la tâche qui leur a été assignée. Il espère cependant que, par la suite, ils consentiront à se charger de l'ensemble des questions commerciales.

M. Sienkiewicz ajoute que d'ici à l'époque où la Conférence se réunira de nouveau, la Commission aura eu le temps d'achever ses travaux actuels. Il pense donc qu'il vaut mieux remettre la question au mois d'octobre.

Le Président est d'avis, comme le Délégué de France, que cette question soit remise à la prochaine séance. Il désire consulter la Conférence sur le projet de renvoyer au 5 octobre la reprise des travaux.

La date du 5 octobre est approuvée.

Le Président prononce alors le discours suivant :

"En proclamant la prorogation de la Conférence jusqu'au 5 octobre prochain, il me faut exprimer aux membres qui la composent la vive reconnaissance du Gouvernement Impérial.—Nos séances ont toutes témoigné des sentiments d'amicale bienveillance dont sont animées à l'égard du Japon les Puissances représentées ici. Les discussions qui ont eu lieu jusqu'à présent et les résultats que nous avons obtenus en un si court espace de temps me donnent, Messieurs, plus que l'espoir, la certitude que nous atteindrons le but de nos travaux.

"L'accueil favorable que, tout en vous réservant d'en référer à vos Gouvernements, vous avez fait au principe et aux bases de la grande réforme qui doit modifier la nature de nos relations politiques et commerciales, ne laisse désormais subsister aucun doute sur l'issue finale, et je puis dès à présent vous donner l'assurance de l'esprit de conciliation dans lequel les Délégués du Japon accueilleront les

be given to the Committee which was already charged with the consideration of the tariff and other commercial questions.

Count Zaluski supported the proposition of Mr. van der Pot

Sir Francis Plunkett and Mr. Zappe stated that the work which the Committee had already undertaken was so heavy as to prevent them from undertaking additional labors.

Mr. de Martino said that the Committee might rightly consider that the task assigned to them was sufficient for the present. He trusted, neverthless, that later on the Committee would consent to take charge of all commercial questions.

Mr. Sienkiewicz observed that in the interval which would elapse until the Conference reassembled, the Committee would have the time to complete the work upon which it was at present engaged ; he thought, therefore, that the question had better be deferred until October.

The President agreed with the Delegate of France that this question should be deferred until the next meeting. He wished to take the opinion of the Conference upon the proposal to adjourn until the 5th of October.

This date was agreed to by the Conference.

The President then made the following speech :—

"In announcing the prorogation of the Conference to the 5th of October next, I must express to its members the warm acknowledgments of the Imperial Government. Our meetings have all shown the sentiments of friendship and goodwill towards Japan which animate the Powers who are represented here. The discussions which have taken place so far and the results which we have so quickly obtained give me, Gentlemen, not only the hope, but the certainty that we shall attain the object of our labors.

"The favorable reception which, while reserving the necessary reference to your respective Governments, you have given to the principles and the basis of the great reform in our political and commercial relations, no longer leaves room for doubt as to the final result, and I can assure you from this moment of the conciliatory spirit in which the Japanese Delegates will take into consideration the

"modifications de détail, je dirai même les "améliorations, que vous pourrez proposer, "Messieurs, dans nos séances de cet automne."

M. Sienkiewicz, comme Doyen du Corps diplomatique, prononce, en réponse, le discours suivant:

"Je remercie vivement, au nom de mes col-"lègues, Son Excellence le Ministre des Affaires "Etrangères des paroles gracieuses qu'il vient de "prononcer. Je crois, d'ailleurs, être le fidèle "interprète des sentiments de tous les Délégués, "en donnant au Comte Inouyé l'assurance que, "lorsque nous réunirons de nouveau au mois "d'octobre, il nous retrouvera dans les mêmes "dispositions que celles qui nous animaient à "l'ouverture de cette Conférence, et qu'obéissant "tous à une pensée commune, nous arriverons "à un résultat dont le Japon n'aura qu'à se "féliciter et dont les étrangers n'auront pas à se "plaindre."

La séance est levée à trois heures et demie.

Signé:

SIENKIEWICZ.
R. DE MARTINO.
G. NEYT.
HOLLEBEN.
ZAPPE.
J. DELAVAT.
SPEYER.
A. WOLFF.

"modifications in regard to details, and I "may add, the improvements, which you, "Gentlemen, may propose during our Autumn "session."

Mr. Sienkiewicz, as Doyen of the Diplomatic Corps, in reply made the following speech:—

"In the name of my Colleagues, I tender our "best thanks to His Excellency the Minister "for Foreign Affairs for the kind words which "he has spoken. I believe, also, that I am "faithfully interpreting the sentiments of all "around me in offering to Count Inouye the "assurance that when we reassemble in October "he will find us animated by the same feelings "which we have shown at the opening of the "Conference, and that we shall, in obedience "to a feeling common to us all, attain a result "upon which Japan will be able to congratu-"late herself, and of which foreigners will have "no reason to complain."

The meeting terminated at half past three o'clock.

Signed:

INOUYE KAORU.
AOKI.
ZALUSKI.
F. R. PLUNKETT.
J. J. VAN DER POT.
J. LOUREIRO.

Certifié conforme à l'original: Certified to be a correct copy:

SAITO SHUICHIRO.
BARON DE SIEBOLD.
D. W. STEVENS.
JOHN H. GUBBINS.
P. DE LUCY-FOSSARIEU.

DEPARTMENT OF STATE
AUG 4 1886
RECEIVED.

3rd ASSISTANT SECRETARY.
Ack by no. & file
AUG 5 1886

W Everett

No. 188.

United States Legation,
Tokio, Japan, July 9. 1886.

Mr. Hubbard
To the Secretary of State.

Subject:
Celebration of Independence Day at this Legation.

Synopsis:
Address by Prince Komatsu and the French Minister. Reply by the U.S. Minister.

No. 188.

United States Legation,
Tokio, Japan, July 9. 1886.

Hon. T. F. Bayard,
Secretary of State,
Washington

Sir,

I have the honor to report to the State Department, that the anniversary of the Declaration of American Independence was duly observed at the United States Legation on the 5th July (the 4th coming on Sunday). The National Ensign was unfurled, and the Legation open to visitors during the day to exchange congratulations on the

the annual return of the mem-
orable day.

In the evening the buildings
and grounds of the Legation
were illuminated, and at the
usual hour, at the invitation
of the United States Minister,
His Imperial Highness, Prince
Komatsu (of the Royal House)
and the Prime Minister, Count
Ito; the Minister for Foreign
Affairs, Count Inouye, and
other Ministers; and the entire
Diplomatic Corps and many
Americans sat down to a
banquet given in honor of
"Independence Day".

The most cordial expressions
of friendship and admiration

for

for our Country were heard from all the Japanese Ministers and the Foreign Representatives, and earnest wishes for many returns of the anniversary.

At the appropriate hour Prince Komatsu arose and offered the following sentiment.

"I have the honor to offer
"your Excellency my hearty
"congratulations on this the
"occasion of the 110th anni-
"versary of the Declaration of
"the Independence of the United
"States, and to propose the
"health of the President and
"prosperity of the People of Your

Excellency's

"Excellency's Country".

The health of the President was drank with enthusiasm.

The French Minister M. Sienkiewicz, Dean of the Diplomatic Corps, then delivered the following address:

"We have drank to "the health of the President "of the United States, but we "must not forget that Presi- "dent Cleveland is no longer "a bachelor, but that a "month ago he married a "lady whom rumor every "where accords the precious "eulogy that she is the type "of an accomplished American "woman. The Republic

of

"of the United States has un-
"questionably done great
"things, very great things;
"but in my estimation the
"most perfect work which
"it has been given her to de-
"velope is the American wo-
"man. The qualities which
"are to be found among the
"most refined women of the
"old continent are all united
"in the American lady, with
"this something besides: she is
"the charm of a man's life in
"prosperity, and his strong and
"devoted support in his times
"of difficulties. I shall make
"bold, therefore, to ask His High-
"ness Prince Komatsu, Their

Excellencies

"Excellencies H.I.J.M's Ministers
"and my dear colleagues to
"have the goodness to join
"me in drinking the health
"of the President's lady, Mrs Cleve-
"land, and of all other American
"ladies". The Minister's
address was received with
great applause. To which
remarks of the Prince and
the French Minister, the
United States Minister respond-
ed as follows:
"In the name of the United States
"of America I return sincere
"thanks to our honored guests
"for their presence tonight and
"their recognition of our Amer-
"ican National Anniversary.

In

"In response to the high com-
"pliment paid to the President
"of the United States of America,
"and to my fellow citizens of
"the Republic, by His Imperial
"Highness Prince Komatsu, I
"make especially my most
"grateful acknowledgements.
"for the sentiment to the high-
"est executive officer of the Re-
"public, which his great position
"and eminent character entitles
"him to receive. To my honora-
"ble colleague, the French
"Minister, Mr. Sienkiewicz, also
"representing a Republic whose
"ancient friendship born of the
"Revolution of '76, and continuing
"to this day, makes the tribute

the

"the more to be cherished by my
"countrymen to him, for my
"fair countrywomen of America
"I return grateful acknowledge-
"ments for his noble and beau-
"tiful tribute to the first lady
"of our country, whom
"President Cleveland has just
"led to the altar. The more
"heartily do I thank him for
"extending his deserved encomium
"to our noble America women
"as a body, whose representatives
"do honor to our land at every
"Court, and are found sow-
"ing the seeds of Christianity
"from "Greenlands icy mountains
"to India's coral strands".
"This memorable Anniversary,

One

"one hundred and ten years
"from the day of 'Declaration
"of Independence', and over a
"century since the struggles
"of the Revolution made that
"declaration good, through
"priceless sacrifices, finds
"to-day our Country from
"three millions has grown to be
"an 'ocean bound' Republic
"of 60 millions of people -,
"happy, prosperous and pro-
"gressive in all the achieve-
"ments of National power,
"under constitutions and laws,
"recognizing the right of the
"people to representation and
"self government under just
"limitations, and the highest
individual

"individual liberty of the
"citizen consistent with his
"duty to the general government
"and the union of States;
"with a vast and grow-
"ing commerce reaching
"to the shores of every sea
"protected by treaties of peace
"and amity with all nations,
"and "entangling alliances"
"with none, our country
"from this stand point of
"progress sends joyful greet-
"ing and good will to-day
"to all peoples, with the ear-
"nest hope that peace and
"fraternal relations may bless
"alike Kingdoms, Empires and
"Republics throughout the earth.

I

"I have the honor now to propose
the health and prosperity
of their Imperial Majesties, the
Emperor and Empress of Japan,
and the Princes and Ministers
of State, and of the Chief Rulers
of all friendly Powers and
their respective governments
and peoples."

Thus the day was celebrated
in this distant land. The
Japanese Government voluntarily
sent their Marine band to enliven
the occasion with their superb
music, notable among which
was our national airs of "Hail
Columbia" and "The Star Spang-
led Banner", taking us back
to our Native land.

J

I have the honor to be,
Sir,
Your Obedient Servant,
Richard D. Hubbard